

STATE LIBRARY OF PENNSYLVANIA
main, stks 929.6B224
Genealogical & heraldic gleanings



0 0001 00355760 8

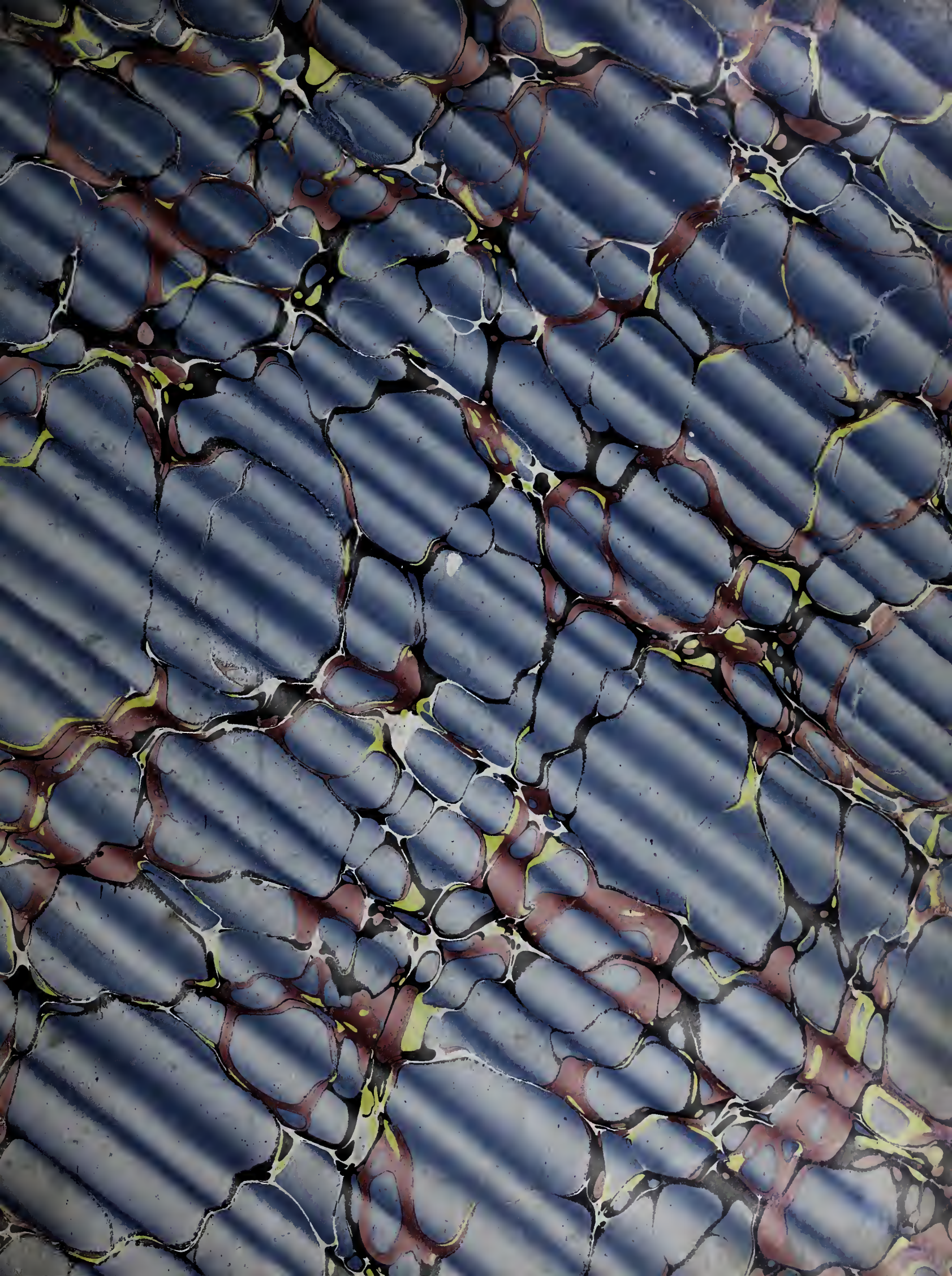
For reference use
in the Library only

CLASS 929.6 BOOK B224

VOLUME



PENNSYLVANIA
STATE LIBRARY



THE DORMANT AND EXTINCT BARONAGE
OF
ENGLAND.



Digitized by the Internet Archive
in 2019 with funding from

This project is made possible by a grant from the Institute of Museum and Library Services as administered by the Pennsylvania Department of Education through the Office of Commonwealth Libraries

GENEALOGICAL
AND
HERALDIC GLEANINGS
ILLUSTRATIVE OF THE
HISTORY AND DESCENT
OF
ENGLISH NOBILITY,

CONTAINING

ORIGIN OF NOBILITY, AND OF ITS SEVERAL DEGREES.
THE ANCIENT COURTS DE MORE, OR EARLY PARLIAMENTARY ASSEMBLIES.
DIGNITIES BY TENURE, PRESCRIPTION, WRIT, AND LETTERS PATENT.
WRIT OF SUMMONS, JURE UXORIS; WRITS INTERMEDIATE OR ANTICIPATORY, VITA PATRIS.
SURRENDER OF TITLES.—LAW OF DESCENT OF TITLES, PRECEDENTS, &c.—TRIAL OF PEERS.
FORMULÆ OF PRACTICE ON CASES OF CLAIM, WITH THE NATURE AND RULES OF EVIDENCE, &c.
BARONES REJECTI; OR OMISSIONS OF DUGDALE, COLLINS, EDMONDSON, &c.
EXTINCT ROYAL FAMILIES OF ENGLAND SINCE THE NORMAN CONQUEST.
ADDITIONS AND EMENDATIONS TO THE THREE VOLS. OF DORMANT AND EXTINCT BARONAGE OF
ENGLAND, WITH INDEXES.

BY

T. C. BANKS, ESQ.

AUTHOR OF THE DORMANT AND EXTINCT BARONAGE OF ENGLAND, ETC.

LONDON:
HENRY G. BOHN, YORK STREET, COVENT GARDEN.
MDCCCXXXVII.

P R E F A C E.

WHEN the first three Volumes of the Dormant and Extinct Baronage were published, the Edition consisted of 750 Copies, *viz.* 250 large paper, and 500 small. These have long since been disseminated among the public. Some particular reasons prevailed to limit the Edition of the fourth, or Supplemental Volume, to only 500, *viz.* 150 large paper, and 350 small, so that 250 Copies of the first three Volumes would ever remain incomplete, without the Supplemental one, to which was attached the Index of those Volumes, they having been printed without so useful an appendage.

Since the publication of the Supplemental Volume, 142 Copies have been unfortunately burnt at an accidental fire at the printer's, whereby only 358 Copies out of 500 have been in circulation, and, consequently, a perfect series of the four Volumes has become scarce to be met with.

The present Edition of the Appendix, is limited to the said number of 358 Copies; as such, to those persons who may have the preceding parts, it is respectfully submitted that this Edition is a material one to be added thereto.

CONTENTS.

	PAGE
Origin of Nobility, and of its several Degrees	1.
The Ancient <i>Courts de More</i> , or early Parliamentary Assemblies	16.
Dignities by Tenure, or Prescription	23.
Dignities by Writ	64.
Writ of Summons, <i>jure uxoris</i>	77.
Writ intermediate, or anticipatory, <i>vi tã patris</i>	81.
Dignities by Letters Patent	88.
Surrender of Titles	93.
General Observations on the Law of Descent of Titles, Pre- cedents of Abjudicated Cases on points of Doubt, Diffi- culty, &c. &c.	99.
The Trial of Peers	114.
Form of Proceeding on the King's Warrant for Summoning of the Peers to Parliament	118.
Formulæ of Practice on Cases of Claim, with the Nature and Rules of Evidence, &c.	124.
Barones Rejecti; or, omissions of Dugdale, Collins, Edmond- son, &c.	127.
Extinct Royal Families of England, from the Norman Con- quest to the Accession of the House of Hanover	296—456.

APPENDIX.

Additions and Emendations to Vols. I., II., III., of the Dormant and Extinct Baronage of England, with Index to each volume respectively.

THE
ORIGIN
OF
NOBILITY AND HEREDITARY HONOURS.

WHEN the Romans deserted Britain, the princes reassumed their ancient form of government; the successor of every prince claiming and taking possession of the lands of his ancestor, but not without controversy: their *Tylwyth* (*i.e.* genealogy), for want of writing, being grown uncertain, during the four hundred years and more that the Romans continued masters of the nation. Besides, the *Tylwyth singers*, the Bards, and Druides, having been discountenanced by the Roman governors, the genealogies were in a great measure lost, and the rights of succession and limits of territory consequently unsettled.

The northern hive of Picts and Scots took encouragement from the divisions among the British princes, and invaded them with a numerous tribe, which brought the Britons to agree upon a national council, to consult of proper measures for preserving themselves from the northern inroad; and in this general council, consisting of Princes, Edlins, and other nobles, Vortigern was chosen to be chief commander of the British princes and their forces.

But the combined power proving too weak to resist the northern incursion, another council was summoned, wherein Vortigern was ordered, and directed to invite the maritime Saxons to come to their assistance.

These Saxon auxiliaries, after a fifty years' war, became at length masters of the Britons, and possessors of their lands; and, having made a complete conquest, turned to the work of legislature, to make laws for preserving the property they had obtained.

ORIGIN OF NOBILITY.

In time, seven Saxon kingdoms sprung up in Britain : Hengist erected the kingdom of Kent, circ. An. 457 ; and afterwards six others were erected : but the æra of their erection, and the bounds of their dominions being foreign to the subject of this essay, it is not necessary to dilate thereon, the more material point being to give some account of the Saxon councils, the original of the English parliaments.

This great council was called *Witenagemote*, a word compounded of Saxon and British : the former part of the word being Saxon, and signifying *a wise man* ; the latter, British, denoting *a council or synod* : thus the term *witenagemote*, meant a council of wise men, or superior or noble persons. The act or ordinance made in this council, the Saxons termed *gerædnisse*, (*i. e.*) a wise law, from *gerædod*, *doctus*, wise or well taught ; a definition consonant to the term *witenagemote*, an assembly of wise or well-taught men.

The Anglo-Saxons formed the model of their government, as it would seem, after the manner of the Goths their ancestors, who divided the spoils of the Roman empire which they acquired, *viz.* by general consent of the military undertakers ; who, when success attended them, assembled in council, and by vote allotted to every one a part, in proportion to their merit, in the judgment of the council.

The Saxon conquerors of Britain were joint undertakers, and parcelled out the subjugated lands in such proportion as was agreed in the general council of the commanders of the enterprize.

The chief commander soon assumed the title of king, and the assistants who came along with him, under the condition of *no purchase no pay*, became *comites regis*, the king's companions and colleagues, whereby the Saxon government here became founded in property. The Capitanei, or chief officers, were not only sharers with the kings in the conquered lands, but also in the administration of the government ; being members of the king's great council, and therein possessed of a deliberate authority in consenting to laws, and the highest matters of state ; having likewise a judicial power as composing the supreme court of judicature of the nation.

* Kilian,
voce Edel.

The members of the ancient British council* consisted of the princes, their sons, the edlins of princely or noble race, the druides their priests,

and lawyers, and the governors of the people, (*i. e.*) one who had the rule of a village or district, or was a leader in their armies.

The Saxon witenagemote consisted of the original sharers of the lands of the conquered Britons, and these colleagues and their descendants were the Saxon nobles, who derived their nobility and power from their possessions. These capitanei, or comites, in their portion of land, held courts and judged their vassals; and, after the manner of the Britons, were petty princes in their own territories: they obliged the kings to swear to administer equal right to all, and to be obedient to all laws made and agreed upon in general council.

Æthelbert, the first christian Saxon king, made his code of laws in witenagemote, by and with the advice of his witas, (a general term for the nobles or great men,) and had his bishops and chief ecclesiastics; who, together with his lay nobility, were members of the great synods or councils.

Kenwolf, king of Mercia, held a witenagemote, anno 811, wherein, says Mr. Tyrrell*, from the annals of Winchelcomb, the constituent members of that assembly are termed *merciorum optimates, episcopi, principes, comites, procuratores, meique propinqui*. * Tyrrell, p. 95.

Edward the Confessor was the legislator who, in the Norman reigns, obtained so much veneration for the mildness, equity, and excellency of his laws. In his time, by his 21st law, the great men or nobles of his kingdom were thus defined†; viz. “*Archiepiscopi, episcopi, comites, barones, et omnes qui habeant sacham, socam, thol, theam, et infangthefe, etiam milites suos, et proprios servientes, scilicet dapiferos, pincernos, camerarios, pistores, et cocos sub suo friborgo habeant; et item isti suos armigeros, vel alios sibi servientes sub suo friborgo.*” — These barons, these proceres‡, were the lords of great honours and manors, who had great estates, and power, and who had knights, and potent commoners their vassals, and suitors of their court. † Lb. Edw. Confess. 21.

The Saxon kings, it should be observed, at the three high festivals of the year, Easter, Whitsuntide, and Christmas, were attended by their great counsellors, at which time the state of the nation was taken into consideration; and, when any new laws were found necessary, they were

‡ Idem, 17.

ORIGIN OF NOBILITY.

made by the king, with the advice and consent of the nobility, who, meeting at the king's court of residence, *without summons*, that court obtained the name of the court *de more*, or *ex more*, because it assembled at a fixed period, according to *pre-custom* and usage.

Though great part of the nobility attended the king's court at these festivals, yet upon extraordinary emergencies the whole nobility *were summoned by particular writs to each*, and the cause of such summons expressed in the writs.

The order and degrees of the members of the Saxon witenagemote, and court *ex more*, from king Alfred's time to William the First, stood thus:—

First: The Archbishop and Ethling are of the same value or estimation in the laws of Æthelstan*. The Saxon word Edling or Ethling includes *Satrapa*, *Dux*, and *Comes*, of royal race†, and also the other great dukes, (*i. e.* duces,) and earls of provinces or countries‡.

* Archaion, 55.

† Spelman Gloss.

‡ Wilkins, 71.

§ Tit. Hon. 604. 632.

Second: The bishop and alderman, or judge of the county court, who was of a lower degree than the comes§, as appears in the laws of Æthelstan and Canute.

|| Ibid. 610.

Third: The third degree was the Holds and Highgereves||. The first were military commanders; the last was such a person to whom the king committed the custody or charge of a county, where there was no alderman, called, in Latin, *vicecomes*, *vicedominus*.

¶ Ibid.

Fourth: The fourth and last degree¶ of nobility, was the *mass*-Thegne or Thane, and the *world*-Thegne or Thane. The first was a priest that was the king's chaplain, or a dignitary of the church, that had superintendancy over other priests; the last was a layman, or lord of a district or territory, having jurisdiction over one or more manors, and therefore sometimes denominated a *Dynast*.

Having thus shewn that the Saxon nobility arose from great possession of lands taken from the Britons, or from ministerial offices under kings, as governors of provinces, counties, tithings, hundreds, castles or boroughs, together with the prelates and other rulers of the inferior clergy, it necessarily follows to observe, that when the Normans by the conquest of England became possessors of great portions of the lands of the Anglo-Saxons, they similarly obtained the rank of nobles of the realm, and, as

earls, barons, and ecclesiastics, became members of the Anglo-Norman parliaments.

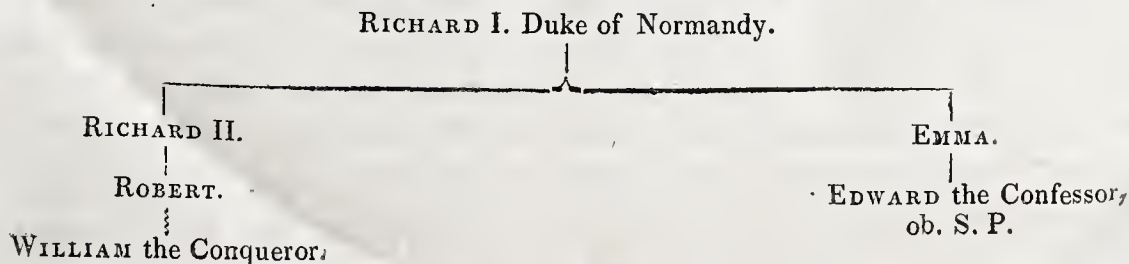
The Normans, who came over with duke William, claimed (agreeably to precontract) shares of the Saxon lands and estates, according to the proportion of the several undertakers' retinue and expences. Thus the companions of king William in his conquest, had the division of the lands of the Anglo-Saxons made to them in greater or lesser allotments, to hold, however, of the king in military service, to be ready to serve him in war or in council.

These* were the great nobles of the kingdom, in the reigns of William the Conqueror, William Rufus, and Henry I. But king Stephen, during his contentions with the empress Maud and her adherents, as the old baronies escheated, divided them into smaller tenancies, and granted them to his friends and followers, who, holding those fragments of baronies in chief of the king, produced the distinction of fees of the old, and new feofment.

King John followed Stephen's method of splitting baronies as they came into the king's hands, by escheat or attainder; which increased the barons (or rather tenants in capite) to such a number, as to be termed by Camden, *seditiona et turbulenta multitudo*. But that learned gentleman was probably too severe in his animadversion, when it shall be considered, that it is to the firmness of those noble spirits, the establishment of a regular assembly of peers, and the constitution of the house of commons, is to be ascribed.

But, though it has been before mentioned that the Conqueror (a) divided

(a) It is to be remarked, that duke William claimed the crown as cousin-german to Edward the Confessor, and by virtue of the nomination of the will of the Confessor, made in his favour as his successor in the kingdom. The degree of kindred between them stood thus:—



the lands of the English among his Norman followers, and that the chief of them were the great nobles who flourished in the succeeding reigns, this assertion is by no means meant to convey an idea that king William entirely dispossessed the Anglo-Saxons of their inheritances, or that he deprived them of their privileges; on the contrary, those Saxon thanes, who sided with him, and others who stood neuter, were allowed to keep their *tainlands*, and were styled sometimes *thanes*, and sometimes *barons*; but the former term was soon after dropped, and the latter adopted, which thenceforth became general.

In support of this statement may be cited divers ancient records, and particularly Domesday Book, *viz.*

DORSETSHIRE.—Ten Thains hold Chimedecome ipsi tenuerunt T. R. E. pro I manerio-omnes qui has terras tenuerunt T. R. E. potuerunt ire ad quem dominum volebant.

STAFFORDSHIRE.—*viz.* Alric holds Stagrisgeshowe. Aswold holds Chrochesdene; and fourteen more, hold lands, of titles prior to king William.

* Vol. I.
Tit. Warr.

Dugdale, under the article of Warren in his *Baronage**, and also Camden in his *Britannia*, recites, that the Conqueror gave to one Warren, a Norman, a great favourite, the lands of Edwin de Sharnborne, an Englishman; which Edwin, thereupon, in open court, claimed restitution of the same, as his right, for that he had never taken up arms against the king, either before his coming in or since: whereupon, the king, *vinculo juramenti astrictus*, gave judgment of right *against the Norman*, and Sharnborne recovered his lordship†. (b)

† Spelm
Gloss. p.
184.

* Gloss.
tit. Conq.
fol. 145.

† Ex MS.
Dom. Rog.
Owen Mil.

But, though the duke of Normandy, by the victory at Hastings and the death of Harold, became the conqueror of his foe, yet the title of *conqueror*, rather than of *victor*, was probably assumed by him, as a word signifying a *purchaser*, or, in the acceptation of the law, *one that acquires a real estate, not by hereditary descent, but by bargain or gift*. Thus, sir Henry Spelman* says, *Willielmus primus conquestor dicitur, quia Angliam conquisivit, id est, acquisivit, non quod subegit*. To this effect also are words contained in a charter† of Hen. I. to the abbey of Westminster, *viz.* pro memoriâ Edwardi, cognati mei, qui patrem meum et liberos, illius in regnum suum, adoptivos hæredes instituit.

(b) Dr. Brady says, the account of Sharnborne being restored to his lands by William the Conqueror, is a famous legend and trite fable, as no person is recorded in Domesday to hold

Thus far appears established the fact, that William did not disinherit the Saxons (or rather English) at large ; and that he allowed them to retain their feudal rights, privileges, and distinctions, in common with his Normans. The following proofs of record may be adduced :—

*Pro Jacobo Archamgere**.

* Commun.
de term.
Sanct. Mich.
35 Fin. et
An. 36 Incip.
Hen. 3. Rot.
pr. pen.
Remem.
Dom. Thes.

Rex Baronibus.—Mandamus vobis quòd occasione arrentationis Serjantiarum, assessæ per Robertum Passelewe, non distringas Jacobum de Archamgere per 2 marc. et dimid. de tenemento quod de nobis tenet per serjantiam in Archamgere (in com. Southamp.) *per chartam beati regis Edwardi antecessoribus ipsius Jacobi* super hoc confectam, sed ipsum Jacobum de predictis 2 marcis et dimid. quietum esse faciatis in perpetuum ; quia chartam præfati beati Edwardi confirmavimus, et ipsam volumus inviolabiliter observari.

Breve est in forulo mareschalli, et mandatum est vicecomiti Southamp. comparat. die Jovis, die 15 Jan. A.D. &c.

Again ; viz. † Willem gret mines bishops, et mines earles, et ealle mines thegnes, Frencisse et Englisce.—Here were English thanes, “ Thani † appellatione viri interdum liberæ conditionis homines, interdum magistratus, atq. sæpenumero ministri notantur.”

† Ex Chart.
Antiq. 1.
† Spelm.
Gloss.
Lambard
de prisc.
Ang. Leg.
fol. 223.
§ Monast.
Ang. VI.
fol. 185.
|| Ibid.
fol. 29.

Again ; viz. § W. Rex Anglorum, O. Episcopo Sarisburiensi et L. Abbati Glastoniensi et A. vicecomiti *omnibusq. baronibus, Francigenis et Anglis* de Sumerseta, et Wiltunscire, Salutem, &c.

Idem. || Rex Ang. episcopo de Suthsexa, et vicecomiti, et *cæteris baronibus suis Francigenis, et Anglis salutem, &c.*

From these writs and charters, it seems plain, that in the time of the Conqueror the general direction of the writs and charters is addressed to

any lands in Sharnborne but William de Warren ; nevertheless, it is certain that Sharnborne recovered the possession of his lands, though Warren is recited in Domesday as the chief lord. —Vide the Ancient Right of the Commons of England Asserted, by W. Petyt ; Pref. p. 24 et sequentes.

French and English, both alike, without any difference of power or authority, otherwise, than that the *French* are named before the *English* barons or landholders.

* Pref.
8 Rep.

† Ex Vitâ
Albat.
St. Albani.

Now, though the Conqueror might introduce divers new customs into the country, it is not to be concluded that he changed the whole frame and constitution of the government, for lord chief-justice Coke says,* “ The grounds of our common laws at this day are beyond the memory or register of any beginning, and *the same* which the Norman conqueror then found within this realm of England :” and those laws he swore† to observe, which were good, approved, and ancient.

‡ Œuvres
de Basnag.
Vol. I.

But, without entering too particularly into the history of the rise and progress of the feudal law, it may be sufficient to observe, that, according as, at the time of the conquest, it was understood and practised in France, it flourished in its full vigour in Normandy ; not that the customs of Normandy were entirely the same with those of France,—each province of that kingdom having distinct and different customaries, though all founded upon the same principles.‡

What were the military tenures in England during the time of the Saxons, is not exactly ascertained. That such kind of tenures existed, is beyond a doubt ; and it is probable that they underwent some, if not a very great alteration, by the accession of William the Conqueror to the throne, and that he established many feudal customs for law, which he brought with him from Normandy (°).

With respect to the orders and titles of dignity in England, after the conquest, they were for several centuries only of two kinds, *viz.* *Earls* and *Barons* : they were both similarly founded upon actual possessions, though, at this day, they have become merely personal honours, and names of dignity, shorn of their officary functions, and co-ordinate estates. Of this nobility, the denomination of *baron* supplied the place of the *Saxon*

(°) In the proem of the customary of Normandy, which is entitled “ *Descriptio Normanniæ*,” it is asserted, that Edward the Confessor, king of England, gave the English laws to the Normans, when he was so long sheltered there. This point is also witnessed by *Chronica Chronicorum*.—Vide lord Whitlock’s Speech in 1650, printed in Mr. Whitlock’s Memorials of English Affairs.

thane, and was introduced from France, where it denoted a person who held a *feudum nobile*, with the right of administering justice in criminal and civil causes; and here, in England, signified a person holding his lands immediately of the king, and having a certain number of free tenants holding of him, with a court, in which he administered justice to his tenants. The words of Spelman are, *viz.* * “*Barones autem antique estimandi sunt qui in suis dominiis de litibus cognoscebant, et latrocinii; consuetudines habentes, quas Sac, Soc, Team, Infangtheife, Outfangtheife, Fircas, &c. appellant* —.” Hence, chief-justice Coke says†, that in ancient records “the baronage included all the nobility of England; because regularly all noblemen were barons, though they had a higher title.”

* Gloss. p. 79. Edit. 1626.

† 2 Inst. 6. Selden.

Some writers, (and, indeed, Spelman inclines to that opinion), have thought, that *baron*, and *tenant in capite*, were synonymous, yet, probably, they were led into that notion from the representation of old historians and the ancient *modus*‡. Thus, the tenure of thirteen knights fees, and a third part in capite of the crown constituted a baron of the realm. But, by reference to the public records, it will be seen, that it was always *the quality*, and not the *quantity* of the tenure, which gave right to the baronial honour; a fact, which the instances of Abergavenny and of Berkeley clearly evidence; for neither of those castles or territories, were holden in capite at even the service of *five knights fees*; they were, however, holden *per baroniam*, and that tenure§ was admitted to render them, *ab origine*, feudal baronies and parliamentary dignities, by prescription, in the constant usage of writs of summons, as barons.

‡ Mod. Tenen. Parl. MS. cap. de Laicis.

§ Vide Collins's Parl. Preced.

Moreover, there is no foundation for thinking *barony*, and *tenure in capite*, to be terms *synonymous*, because, in the instance of Philip de Marmion, who died the 20 Edw. I. ||, it was found, that he died seised of the castle of Tamworth, holden in capite, by the *service of three knights' fees*; and of the manor of Scrivelby in com. Linc., holden in *capite per baroniam*; which two tenures were distinct services,—the one being to find three men for forty days for the Welsh wars—the other being for general service in the field, or council, as the king should command. Furthermore, upon the authority of the case of Furnival, cited by Mr. Madox, in his History of the Exchequer ¶, it appears, that, though every baron, ¶ p.370.

|| Esch. 20 Edw. I. n. 36.

properly so called, was a *tenant in capite*; yet, a tenant in capite was not by reason of his tenure, a baron, for the number of tenants in capite was *always encreasing*, but that of the feudal barons *always decreased*.

It certainly is clear that the term, *tenant in capite*, is, or was, equally applicable to all services, for lands or seignories holden of the crown, since what distinguishes a baron from all other tenants in capite, cannot be the want of mesnalty between himself and the crown, for that is common to them all, but must be the reservation of some particular services of a superior nature to the others, fit only to be performed by the person of a baron, and which were supplied in the phrase, "*tenere per baroniam*." Thus, in the instance of Philip de Marmion*, before cited, numerous documents in the public archives shew, that he held the manor of Scrivelby "*per baroniam, and by the service of being champion to the kings of England, on the day of their coronation*;" a service which, of all others, demanded one of a noble state and degree to execute;—to which example may be added, that of Abergavenny, which appears to have been holden by barony and by serjeanty, as in Collins's Parliamentary Precedents may be found very fully detailed.

* Esch.
20 Edw. I.
n. 36.

† Rot. Pat.
27 Edw. 3.
p. 3. m. 3.

That a barony was a tenure in capite, and immediately subject to the crown, is evident from the record, temp. Edw. III†. *viz.* "Rex, &c. sciatis quod, &c. Richardus comes Arundel, 24^o Octobris, fecit nobis homagium pro *baronia sua* de Bromfield & Yale; quam idem comes de nobis tenet in capite tanquam coronæ nostræ Angliæ immediatè subjectam." And therefore, it often happened in the case of amerciaments, that, when any man thought himself aggrieved by being *amerced as a baron*, he would plead, that he was *not a baron*, (though at the same time he would admit himself to be a *tenant in capite*,) "*quia nil tenuit per baroniam*."

‡ West's
Enquiry.

It may be observed, that the whole of parliamentary business, as attendant upon the service of the baron, is reducible to the heads of either advice or consent: the first of these is to be considered as a feudal service, performable to the king, as superior lord of their fiefs;—the second, is extra-feodal‡, and depends upon those principles of liberty, that were common to all the Gothic nations.

Every tenant, *per baroniam*, did homage to the king, by virtue of which

he was obliged, whenever summoned, to attend him. The profession of homage comprehended in it, that the tenant was obliged, *inter alia*, to serve his lord with his counsel and advice; and for this reason, all the ancient writs of summons run in these terms: *viz. Vobis mandamus fide et homagio quibus nobis tenemini*; which words, sir Henry Spelman*, and lord chief-justice Coke† think to relate only to the *feodal barons*. The chief-justice adds, that the reason why the barons are now summoned solely in *fide et ligeantiâ*, is, because that there are no feodal baronies extant, though it be certain that several barons who were feodal, have been also summoned in *fide et ligeantiâ*. Hence, though a summons in *homagio*, is an argument that they were *feudal barons*, a summons in *fide et ligeantiâ*, is no proof *they were not so*.

* In Gloss.

† 9 Inst. p. 5.

Whatever notions are now entertained of an attendance in parliament as an honour, a privilege, &c., yet, in the earlier ages of our monarchy, it was looked upon in a quite different light; and was esteemed to be a service—a burthen, incident to the tenure of their lands, from which many were desirous to be delivered. The clergy even complained of them as a burthen and imposition upon the church; and, therefore, when they were summoned to parliament, many of them would petition to be discharged from their attendance, upon a suggestion that they held no lands per baroniam; as in the case of the abbot of Leicester, who, by patent under the great seal, in the 26 Edw. III.†, was released from all attendance on parliament.

† Rot. Pat.
26 Edw. 3.
p. 2. m. 22.

Similar is the example of the abbot of St. James, Northampton‡, who, being summoned to parliament the 12 Edw. II., petitioned to be discharged upon a suggestion, that he was not a tenant per baroniam: the words are, “*Non tenet per baroniam, nec de rege in capite sed tantum in puram et perpetuam eleemosynam, &c. unde petit remedium, &c.*” Here it appears that (as before mentioned), the *tenants per baroniam*, as well as the other *tenants in capite* were obliged to attend in parliament when summoned; but, nevertheless, the quality of their rank was defined by the manner in which they were distinguished, by the writ of summons addressed to them on such occasions.

‡ Selden's
Tit. Hon.

At what precise time the form of creating a baron by writ first took

place, appears to be very equivocal, for certain it is, that the 17th article of Magna Charta says, *viz.* “ And for the assessing of scutages, we shall cause to be summoned the archbishops, bishops, abbots, earls, and *great barons* of the realm, *singly*, by our letters, &c.”

* Gloss.
p. 83.

By this enactment of the great charter of liberties, it is manifested, that while the tenants in capite were confirmed in their right of attendance in parliament, yet there was a very particular distinction between the rank and privileges of the legislative body. The nature of this distinction seems well explained by Spelman*, who says, *viz.* “ *Barones minores, simpliciter sunt simplices villarum maneriorumque domini de quocunque tenentes, qui sacham et sockham habent, id est, curiam et jurisdictionem super vassalis suis. Non autem summam justitiam quâ de vita et membris decernant; sed humilem illam, ad prædia pertinentem ex qua curiæ suæ. Base courts, (i. e.) infimæ nuncupantur. Ità antiquitas barones majores à minoribus, distinxit, istis distribuens justiciam infimam, illis verò summam atque regiam.*”

This article evidently shews that the great barons, or parliamentary lords of that day, claimed their writ of summons *ex debito justitiæ*, not *ex debito gratiæ*: as a *matter of right*, not a *matter of favour*. Hence, it is plain, that the writ was not then considered as operative of a creation, but incidental to the fee, as a co-service, or privilege of inheritance.

The statute of Magna Charta, (so often evaded, and so often solemnly re-established,) by a slow and uniform progression, prepared the way for that memorable event, which at length began to have effect under Montfort, in the time of Hen. III., and afterwards in the reign of Edw. I., became established.

†Claus.Rot.
49 Hen. 3.

It is to be remarked, that Simon de Montfort, having the king in his power after the battle of Lewes, did, in his name, summon a parliament to meet at London, which precept† is asserted to be the first to be found among our records, whereby the lords spiritual and temporal, and *the knights of the shires, citizens, and burgesses*, were called together, according to the form now followed, of convocating the lords, and of electing the commons.

But this form, so adopted at a particular crisis, may admit of some ques-

tion as to its originality of being the most early precedent of similar convocation, ^(d) certainly in the absence of a more ancient record it may be deemed the first; but the chasm of time, by the probable loss of preceding rolls, seems to have given it the character ascribed to it, rather than the truth of history; for it is to be observed that the 16 and 18 articles of Magna Charta afford reason to believe, that the rebel barons did not assume altogether a new mode of assembling the parliament of 49 Hen. III. but merely exercised the usual practice of the existing law, excepting that, instead of causing to be summoned the *whole body of minor tenants in capite*, they directed the sheriffs of the counties to cause only a *certain number* to attend from their respective counties, as representatives for the others; which *innovation* upon the 18th article of Magna Charta, *then made*, thenceforth continued, and may be considered the origin of the knights of the shires. But, with regard to any new introduction of form in *convocating of the lords spiritual and temporal*, there appears none; saving that, on this particular occasion, the nobility summoned were solely those of their

(d) There was a general council or parliament holden at Westminster the 14 Will. Conq. where the king by his charter confirmed the liberties of that church,* after he had subscribed his own name with the sign of the cross, adding many of the great clergy and temporal nobility: and instead of *cum multis aliis*, says *Multis præterea illustrissimis virorum personis, & regni principibus diversi ordinis omissis, qui similiter huic confirmationi piissimo affectu, testes et Fautores fuerunt. Hii autem illo tempore à regia potestate Diversis Provinciis† et Urbibus, ad Universalem Synodum pro causis cujuslibet Christianæ ecclesiæ audiendis et tractandis ad præscriptum Celeberrimam Synodum‡ quod Westmonasterium dicitur, convocati, &c.*

In the margin of the book there is written this remark, viz. “Nota hic, hos omnes convocari à regia suâ auctoritate ad causas religionis tractandas, tam nobiles de Clero, quam *Principes regni, cum aliis inferioris gradus, convocatio quorum videtur esse parliamentum.*”

Again, by another record§ it appears, that before Magna Charta, the sheriffs of the counties were called upon to send their deputies or representatives to consult with the king upon the national affairs. The writ runs thus, Rex Vice comiti Oxon, salutem precipimus tibi quod omnes milites ballivæ tuæ qui summoniti fuerunt esse apud Oxoniam ad nos à die omnium sanctorum in xv dies, venire facias cum armis suis; corpora vèro Baronum sine armis singulariter; et iv discretos milites de comitatu tuo illuc venire facias ad nos ad eundem terminum *ad loquendum nobiscum de negotiis regni nostri, Teste meipso apud Witten xi, die Novembris.*

Eodem modo scribitur omnibus vicecomitibus.

*Ex Cartulario Cænobii West. in Bibl. Cott. sub Effigie Faustinae. A. 3.

† (i. e.) Comitatus. tit. Hon. 273. Spelm. Gloss. 471.

‡ Parliam. nuncup. Somn. Gloss.

§ Claus. 15 Joh. pt. 2. Dors. M. 7.

* Dudg.
List of Sum.

own friends and supporters, as the list* of names, consisting but of five earls and eighteen great barons, will prove.

Now, with reference to any alteration in respect to the Commons or representatives of the cities, boroughs, and towns, there is no evidence from the precept of 49 Hen. III. That it directed any new mode either of delegations, or of the number of deputies, to be sent from the said respective places; the silence, therefore, in this instance, goes to warrant the assertion that the said cities, boroughs, and towns, were called upon to send their representatives as they had been theretofore accustomed, and as the 16th article of Magna Charta had defined their rights, viz.

ART. XVI.—“Furthermore we will grant, that all other cities and boroughs, and towns, and ports, shall have their liberties and free customs, and shall have the common council of the kingdom concerning the assessment of their aids,” &c. which, according to Dr. Brady’s explanation, is “*that they shall send their representatives or commissioners to the common council of the kingdom.*”

Under these considerations, it becomes questionable whether any perfection of parliament was made at the 49 Hen. III. excepting (if it may be termed a perfection) that the innovation upon the hereditary rights of the minor tenants in Capite, reduced that body to a state of representation, and by the omission of summoning the whole of the nobility to a *free parliament*, gave to future kings a precedent for summoning, *ad arbitrium*, the great lords of the realm; so that in after times the crown was enabled, by the decay of old baronies, and the introduction of new ones, to call by writ any one it pleased into the house of peers, and thereby to acquire a race of nobility less formidable than the old feudal barons, and consequently less capable of opposing with any effect the royal will and pleasure.

† 12 Rep.
70.

‡ In Mag.
Britan.

It was about this period of the 49 or 50 of Hen. III. according to Camden, (whose authority to that purpose is cited by C. I. Coke,† in the Abergavenny case,) that a law was enacted, that only those should come to parliament in future who should be summoned by the king’s special writ. The words of Camden‡ are, “*Ille enim (rex scilicet Henricus III.) post magnas perturbationes et enormes vexationes inter ipsum regem, Simonem de Monteforti, et alios barones motas et sopitas statuit et ordinavit quod*

omnes illi comites et barones regni Angliæ, quibus ipse rex dignatus est, brevia summonitionis dirigere venirent ad parliamentum suum, et non alii, nisi forte dominus rex alia illa brevia eis dirigere voluisset."

Under this pretended law, it is urged that the term *baron by writ*, first originated, because it was the king's approbation which selected the party summoned to enjoy the rank of peerage, and not the right of the person to be called to parliament, merely because he was the king's tenant *per baroniam*. But this doctrine is by no means warranted by the said pretended law, inasmuch as it does not propose to establish in the king a prerogative of creating any person *a baron of parliament by his writ*, whether he might be a tenant *per baroniam*, or otherwise; for the ordination extends *to earls as well as barons*, and there is no precedent of an earl having at any time whatsoever been created *by writ*.

The law in question, therefore, did not affect the right of barony, any more than it did the right of earldom; though it introduced this rule for the future, that *neither the earls or barons should come to parliament unless they were particularly summoned*.

This restriction, if it had any operation, was a virtual repeal of the before-recited articles of Magna Charta, which imperatively stipulated that for the assessment of aids, &c. the king should cause to be summoned *comites et majores barones regni sigillatim, &c.* whereby the king was under a solemn engagement not to raise money or tax his subjects without the consent of his parliament, of which body he was obliged to summon the nobles as *an inherent right belonging to them, and not as a point of favor conceded by him*.

But the fact of such a law having been ever enacted is very doubtful: it has no place among the numerous ancient statutes of the realm, and can scarcely be imagined to have been sanctioned by the legislature, when the very persons who must have passed it, were in so doing casting their privileges prostrate at the foot of the crown, and disfranchising themselves of their ancient rights and immunities.

Instead of a statute, there more probably was a regulation made about the time alluded to, that the great nobles of the realm should not meet as they had been accustomed to do, both before and after the conquest, at

certain fixed seasons of the year ; on which occasion they assembled *de more*, without summons ; but, as such assemblages, by the vast number of the tenants in capite who usually then came together, were found to be often tumultuous and sometimes too adverse to the arbitrary measures of the crown, it might, after the dissolution of Montfort, and the barons' power at Evesham, be deemed advisable to ordain, that from thenceforth the earls and barons should not come to meet the king, unless specially summoned by his writ.

OF THE COURTS *DE MORE*.

The Courts *de More* of the Saxon kings were holden according to custom at the three great festivals of the year, when the nobles always attended the kings at their courts of residence from king Alfred's time. Then was the state of the nation considered, old laws altered, amended, or repealed, and new ones made. This court was also the supreme court of judicature, where the king, with his nobles, heard and determined appeals from the inferior courts of justice, similarly as the lords' house of parliament at this day is the ultimate court of appeal, even from the decrees of the lord high chancellor.

In order that the nobility might be under a certainty where the *Courts de More* should be holden, the conqueror fixed the times of his residence to be at his palace in Gloucester, on the Christmas festival ; at Winchester, on the Easter festival ; and at Westminster, at Whitsuntide ; at which times and places his barons and tenants in capite, attended in due course.

* P. 15.

† Int. Cod.
M.S. in Bibl.
Bod.

To this effect Dugdale, in his *Origines Juridiciales*,* cites an old chronicle,† written in the reign of king Stephen, which speaking of king Will. I. thus recites, viz. “ also he was a person of great worth, (or honour) thrice he wore his crown, each year, as oft as he was in England ; at Easter, he wore it at Winchester ; at Whitsuntide, at Westminster ; and at Christmas, at Gloucester ; and then were with him all the wealthy (or potent) men throughout England ; archbishops, bishops, earls, barons, and knights.” By which last designation may be understood the minor tenants

in capite who held by knights service, and who evidently were a body absolutely distinct in rank from the barons, and represented the common people in these parliamentary assemblies.

When affairs of state required the meeting of a parliament between the usual times of the *Courts de More* at the solemn festivals, then summons was issued, and in the writs the cause of the summons was expressed; according to the tenor of the articles before cited of Magna Charta.

The *Courts de More* were holden without interruption from the conquest, till the wars between Maud, the empress, and king Stephen, which made those regular assemblies impracticable. In the reigns of king Hen. II. and of Rich. I. the times being less tempestuous, the *Courts de More* were resumed; and in the Chronicles of Matthew Paris, and other ancient historians, there is contained an account of divers statutes and matters, which were then made and transacted.

The disputes between king John and his barons again interrupted these customary meetings, so that parliament mostly assembled only upon special summons. The eventful and turbulent reign of Hen. III. suspended also the regularity of the *Courts de More*; for as that weak monarch was seldom upon terms of amity with his nobility, and often tried to rule without a parliament, their right of meeting at those solemn festivals could be considered by him in no other light, than as an odious privilege, which afforded too frequent opportunities for them to express their generous sentiments in strong, and powerful opposition to the measures of his arbitrary government. From these causes, and the fortuitous circumstance of the unexpected, yet total defeat of the rebel barons at the battle of Evesham, which gave the king an absolute command of power, it may be concluded, he formed a regulation for the future convocation of his parliaments, and ordained that the constituent members, whether earls or barons, or others, instead of coming as they had been accustomed to do *without summons* to the *Courts de More*, should await his royal pleasure, and thenceforward should be convened at *what time* and *place* he might think proper to appoint, and never come, but when summoned by special writ, directed in the usual manner as set forth in the great charter.

Now, that all the peers had of ancient right their particular summons, is evident from the testimony of Matt. Paris; who, speaking of the parliament holden at Westminster in 39 of Hen. III. states, that divers of the peers for want of summons were absent, and that the rest refused to answer the king's proposals then made to them for this reason, viz. "*Quod omnes tunc temporis non fuerunt, juxta tenorem Magnæ Chartæ vocatis, et ideo sine paribus suis tunc absentibus nullum voluerunt tunc responsum dare.*"

And forasmuch as from the words of Magna Charta, before expressed, it must be inferred that the same was no new grant, but a confirmation of ancient rights and liberties, it must necessarily follow, that the then existing nobility held their parliamentary privileges as appurtenant by prescription to their tenures in capite; *juxta formam doni*, according to the nature of the grant under which their lands had been given to be inherited and enjoyed.

That the pretended law of Hen. III. did not affect the state, dignity, and degree of the earls or barons of the realm, is evidenced by their being designated according to their distinction of rank; so that their right of seat and voice in parliament was not taken away, though a new mode was assumed to be prescribed, by which their attendance was to be required.

The legislative business of the nation having been (as already observed) for the greater part transacted at *the Courts de More*, previous to the 49 of Hen. III. there is not upon record any parliamentary writs of summons in the words used after that æra, because as the lords spiritual and temporal met according to ancient custom at *fixed and regular times and places* without summons; where *no writ* issued, there consequently could be *none enrolled*.

Thus, after 49 Hen. III. when the king by the natural usurpation of conquest, introduced new rules and rendered the parliament subservient to his own caprice, the following monarchs adopted the system he laid down, and merely had recourse to the great council of the nation when their own interests were best concerned by so doing; and then summoned chiefly those whom they considered the most favorable to the measures of the court, a point which is manifested by the writs of summons very rarely

containing the names of either all the earls, or barons of the realm ; though it scarcely can be imagined that those who were omitted, were thereby dis-ennobled.

With regard to the barons, as their estates were continually decreasing and the parliamentary attendance was a burthensome service, the despotism of the sovereign operated as a matter of grace ; which was so well received, that the records furnish numerous instances of persons endeavouring to avoid the baronial honor, while there are not (till very late times) any examples of barons seeking the right of summons ; indeed, in the progress of time, many of the least powerful having, by various alienations, dispossessed themselves of their *caput baroniæ*, became mingled with the common holders of landed property, and thus voluntarily contributed to their own disfranchisement ; and lost a rank, which, at the present day, is solicited with eagerness, and the application (as it has been said) of every engine of corruption to obtain.

Thus far may be considered to apply to the *Barones Majores*, as distinguished by the nature of their tenures, and the definition of their privileges in the 17 art. of Magna Charta. But with reference to the *Barones Minores*, or under-tenants of the crown, there can be no doubt that after the 49 Hen. III. they never came to parliament as of right, in a collective body ; inasmuch as by their continual subinfeudation they had become so multitudinous and turbulent, as equally to be too formidable to the crown, and to the great nobility ; the restrictions put upon this class of persons, originated with the reforming barons in the particular writ of summons of 49 Hen. III. before mentioned. The success of the king, afterwards, at the battle of Evesham, having reduced those nobles who survived the slaughter of that day, to a state of imbecility, and the subsequent surrender of Kenilworth castle having brought their whole body to a submission to the royal power, the king continued the restriction begun by their own party ; by which precedent, representation came forward as a natural consequence, and the democratic branch of parliament, from having been composed of persons who once sate in their own right, thus became converted into a regular House of Commons.

The aristocratical part of the Constitution would have been utterly extinguished in the failure of the nobility by ancient tenure and prescriptive right, if the crown had not preserved it by the intervention of the prerogative power of creating peerages, and of conferring on those whom the king approved, an hereditary seat in the parliamentary assembly. The persons thus elevated to the rank of nobility, became ennobled in blood, because the writ of summons under which they were created, was the conferment of a personal honor, which being unattached to tenure, and unlimited in course of descent, was a fee tail-general inheritance in them, and their issue, so long as any should remain.

As this monarchical peerage emanated from the royal prerogative, it was consequently interested in support of the crown, from which it derived its lustre and peculiar privileges.

Until the period, therefore, of the latter end of the reign of Henry III. the Baronage was absolutely territorial, as there are no records extant, within that time, of creation by personal writ of summons. From that æra, to the 11 Rich. II., it consisted of two descriptions, namely, the few who remained under the old tenure, and those who had been advanced by writ of summons. But, in the said 11 Rich. II., the old baronage having greatly decreased, and the inheritance, under the writ of summons, admitting of some doubt, a new mode of creation was adopted; which, by virtue of special letters patent, defined the particular degree of peerage, its place in parliament, and its course of descent. Thus we find baronies of three kinds: *viz.*

1. The first by tenure, with certain prescriptive rights, founded upon possession of actual territory, by virtue of which the parliamentary privilege was attached to the fief*. The relief defined the quality; and homage, with livery of seisin, confirmed the succession to, and investiture into this dignity of peerage.

* Tit. Hon.

2. The second, created by writ of personal summons. When the barony instead of being territorial, was rendered personal; the investiture into which honour was not perfect, so as to render it a descendable barony, until the party summoned had actually taken his seat in parliament, and

thereby complied with the condition of his creation*. After when, it became a dignity, descendable† to the heirs-general of the party thus created a peer of the realm : so that it was not fee-simple, but a *fee-tail* general.

* Coke's
First Inst.
9-16.

† Vide
Willoughby
de Broke ;
case in Col-
lins's Parl.
Preced.

3. By letters patent, whereby the feudal territorial peerage was exploded, (though a memento of it was preserved in the nature of creation money,) and the ceremony of investiture began to be disused. By this mode, the person named in the letters patent, was immediately ennobled ; for, according to the opinion of the lawyers, in the case of the lord Hay, of Sauley, 13 Jac. I., the delivery of the letters patent was sufficient, without any ceremony. Thus, the party, *ipso facto*, derived his honour from the instrument of creation, and had such an inheritance therein, as by the said instrument was limited, expressed and declared.

But it is not a little singular, that sir Robert Dormer, whose patent was dated the day after that of the lord Sauley, was created baron Dormer, with ceremony. So that it seems, in the first instance, the opinion of the lawyers was given, but in the last not followed.

This state of the peerage, and its several æras of creation, has of late, (owing to the complexity of several claims founded upon tenure, and ancient writ of summons to parliament,) given occasion for the House of Lords, to appoint a special committee to search the journals of the house, the rolls of parliament, and other records and documents, for all matters touching the dignity of a peer of the realm. These committees have made several reports, the results whereof are far from being so conclusive as their lordships were sanguine to expect ; and so far as they have gone, they have not established any certain principles to guide the house in their judgments on such cases as may hereafter come before them ; but have left such cases as may occur, to be decided according to their several merits, and the peculiar circumstances which may attach to each individual case.

The lords' committees, in their second report, have said, " That, in prosecuting their enquiries, the committee have conceived the dignity of a peer of the realm must be viewed with reference to the character of lord of parliament, as appertaining to that dignity, and, consequently, as involving in some degree an investigation of the nature of the legislative assembly

of the country, and of its constituent parts, previous to the time of the close of the reign of Hen. III. The committee have therefore thought it necessary to make some inquiry, what was the nature, and what were the constituent parts of such legislative assemblies. And, *although what they have hitherto found on the subject, has been so little satisfactory, that they cannot venture to offer to the house any report upon it; and are inclined to apprehend that no diligence which they can use will be sufficient to enable them at any time to give much information, yet, it has appeared to the committee, that the mere want of certainty on so important a subject, may of itself be deemed important; and that, therefore, if the labours of the committee should only tend to shew that the subject is involved in so much obscurity, that uncertainty must probably be the result of the most diligent research, their labours will not have been wholly in vain.*"

Again, the committee report, that in pursuing their investigation, "They have found contradictory assertions of law; and, where facts have been asserted as evidence, they have found such assertions of fact to have been in some cases founded on mistake, and frequently made without reference to any sufficient authority: the committee have, therefore, been induced to apprehend, *that the whole subject has long been involved in great obscurity, and that probably, in some cases, the house has proceeded without proper information—that the crown, in the exercise of its prerogative, has not always been fully instructed, and that even the whole parliament has given the sanction of legislative authority, where it may be doubted, whether, if rightly informed, that sanction would have been given; and that, therefore, the house may be compelled to decide between conflicting authorities, which to adopt, and which to reject, so as to establish clear and concordant principles, as guides for their future decisions.*"

This section of the committee's report is particularly deserving notice, inasmuch as, while it admits the inscrutable obscurity of the ancient state of the peerage, it calls in question the rectitude of judgment with which the house has hitherto decided on claims before them. Yet, their lordships' journals bear ample proof that whenever their lordships have, on any occasion, been in doubt, they have called the learned judges to their assistance, and having heard their arguments and opinions, have conformed

their resolutions to the principles of law and justice.—Past ages have had characters as celebrated for their legal knowledge and integrity, as any of the highest names of more recent times ; why, then, should it be presumed, that ignorance and inattention have hitherto prevailed, and that the subject is now likely to be comprehended with more profound wisdom, and better understanding?

The object of the lords' committees of research has proceeded from an anxiety to explode the claim of barony by tenure ; and of barony by personal writ of summons : the report most pointedly refers to the claim of the barony of Marmyon, of Scrivelsby, founded upon the ancient and never-forfeited tenure of that manor ; which claim being before the lords' committees of privileges, under an order of reference from the king, the very singular and peculiar circumstances attached to the nature of its pretensions, called forth this committee of research, which, with all its powers for investigation, have *only conceived*, that, *perhaps, inferences* may be fairly drawn from what has passed in a later period, to *induce a conclusion*, that whatsoever may have been the law in earlier times, that law is no longer in force. After all, it must be evident, that the nature of the dignity of the peerage must be deemed to be different, in different persons, according to the different means by which the rights to such dignities respectively may be supposed to have been acquired ; and that, *as such*, a rule of law, which might be applicable to the dignity of peerage vested in one person, might not be applicable to the same degree of dignity vested in another.

Of the several degrees of the ancient peerage, and their respective natures, it may be necessary now to give some explanation.

OF DIGNITIES—OFFICIARY, BY TENURE, OR PRESCRIPTION.

The titles of earl, and thaine (the last afterwards called barons) were names of dignity before the Norman conquest, denominating persons of high rank and power. But it has been asserted that under the Saxon

princes, the title of earl was not hereditary; the earl being merely an officer of the crown, having authority, civil and military, in the shire, county or district, of which he was earl; and by reason of this rank he had place and seat in the legislative assemblies of the kingdom, and formed one of the great council of the king: the dignity did not descend to his heir, though the son was sometimes invested with the official character.

After the conquest, until the time of Edward III. the only titles of nobility, were those of earl and baron. As some of the Saxon earls retained their dignities after the accession of William to the throne, and particularly the earls Edwin, and Morcar, it is probable that some of the persons on whom the conqueror bestowed the same name of dignity with reference to similar local districts, were considered as having the same species of rank, though not absolutely vested with the same authority (as the Saxons had) in the districts in which they were named earl; they, however, had no local jurisdiction or authority bearing resemblance to the jurisdiction of the Saxon earl; and their dignity seems to have been of a personal nature. It is true that the Saxon earls had the third penny of the pleas of the county of which they were respectively earls, as an *official fee*; and under the grants which are on record of the Norman and Angevin princes, the persons created earls by them had similar grants of the third penny of the county: But this third penny was not a subject of tenure, nor of seisin; it was not liable to the payment of relief on succession, and no livery could be granted thereof.

Thus, in the reign of Edward III. Hugh de Courtney being intitled by inheritance to the third penny of the county of Devon, of which his ancestor was earl, he claimed by virtue thereof to have the king's writ, commanding the sheriff to pay the same*; and moreover petitioned the king to have the title of earl of Devonshire confirmed to him; both which were confirmed to him as his lawful right†.

* Mad.
Excheq.
p. 651.

† Pat. Rop.
9 Edw. III.

According to the most early patents or charters of creation to the title of earl, of which evidence remains, this degree of nobility was personal; but nevertheless, for the greater part, connected with the actual possession of certain territories, castles, lands, and hereditaments, which being holden of the king immediately in capite, constituted an earldom, for which homage

on livery of seisin, was due to the king, as was also a fixed relief, to be paid by the heir, * on succeeding to the honour. Thus, though the title was personal, and not specifically annexed to the tenure of land; yet land might be annexed to the co-inheritance of the dignity.

* Mag.Cart.
17 Joh. &
9 Hen. III.

In the charter of Maud the empress to Milo of Gloucester, this fact particularly appears; the words of the charter† are, *viz.* “Sciatis me fecisse Milonem de Gloucestria, Comitem de Hereford, et dedisse ei Motam Hereford, cum toto Castello, in fædo et hæreditate, sibi et hæredibus suis, tenendum de me et hæredibus meis. Dedi etiam ei tertium denarium redditûs Burgi Hereford quicquid unquam reddat, et tertium denarium placitorum totius Comitatus Hereford. After other grants, the charter proceeds, “Et hæc omnia supradicta dedi et etiam concessi in fædo et hæreditate sibi et hæredibus suis ad tenendum de me et hæredibus meis.” And at the conclusion are added, “Quare volo et firmiter præcipio quod hæc omnia supradicta teneat de me et hæredibus meis, ipse et hæredes sui, ita bene et in pace et honorifice, &c. &c. sicut unquam aliquis comes melius et honorabilius, &c. tenet aliquod tenementum vel dominium de me in Anglia vel unquam tenuit de aliquo antecessore meo.”

† Fæd.N.E.
t. 1. 14.

In this charter there is no mention of seat or voice in parliament, as now usually contained in patents of creation. It, therefore, is to be inferred, that the parliamentary privileges were in those days considered attached to the honor granted, as a natural consequence, and that the party so ennobled was, *ipso facto*, intitled to be “*comes vel baro regis in consilio regni.*”

Most of the ancient earldoms were similarly personal honours, and descendable to heirs general; their creation seems to have been generally nearly in the same form, by nomination and investiture, including girding with the sword, and a grant of the third penny of a county. The creation of Saiher de Quincy to be Earl of Winchester, was probably *by parole*, and by girding with a sword, of which no notice or record has been found; but, by patent of‡ the 13th of March, the 8th of John, the king granted and confirmed to him by the style of Saiher de Quincy, Earl of Winchester, (Saihero de Quincy Comiti Winton,) 10*l.* to be received by him and his heirs, of the king and his heirs, yearly, of the issues of the county of Southampton, by the hands of the sheriff at Winchester, “*nomine comitis.*” This patent does

‡ Cart.Antiq.
K. M. I.

not recite any creation, but assumes that Saiher was at the time absolutely Earl of Winchester.

Of all these ancient earldoms, not one is at this day existing from the Norman æra, unless it be the solitary instance of Arundel, which is deserving of the more attention, as there is not any record to shew that the castle of Arundel was ever erected into an earldom ; or that any of its pristine possessors were ever created earls thereof by patent, charter, or investiture ; or that they ever held it in capite by the service of an earldom.

Sir William Dugdale states, that Roger de Montgomery, an eminent Norman, who attended the conqueror into England, was by him constituted earl of Shrewsbury, Sussex, and Arundel ; of this fact there is no legal evidence to be found ; be the point however as it may, the lands and honors of this great man were afterwards forfeited by his son Robert, surnamed de Belesme, by reason of his rebellion against king Hen. I. This monarch having thus, by escheat, acquired the inheritance of the once powerful family of Montgomery, according to the history attributed to Matthew Paris, gave the castle of Arundel, in Sussex, and considerable possessions in that county, to Adeliza, his second queen, but apparently only for life, in the nature of dowry. This princess, after the death of king Henry, married William de Albini, called Pincerna, from his office of butler to the king, which he held as appurtenant to the tenure of his manor of Bokenham, in Norfolk. In the 15th of king Stephen, this William, is said by Dugdale,* on the authority of the charter roll, anno 13, Hen. III. m. 15. to have styled himself earl of Chichester, and in the 18th of the same king, earl of Arundel.

* Dugd. Bar.
v. i. p. 119.

Upon examining this roll at the Tower, the membrane referred to by Dugdale is wanting : yet, it may be questioned, whether, if found, it would prove that he was earl of Arundel, by mere possession of the castle and honor of Arundel ; inasmuch as, by a charter inserted in the new edition of Rymer's *Fædera*, † which relates to the restoration of the temporalities of the bishopric of Bath, to bishop Rodbert, who was consecrated early in the reign of king Stephen, the name of William de Albini appears as a witness, with the additional description only of Pincerna.

† Fæd. N.E.
t. 1, 16.

It has been said, that this William de Albini was made earl of Arundel by the empress Maud, in reward for his services to her, in affording her

protection in his castle of Arundel, under very difficult circumstances ; which grant Stephen might afterwards probably confirm ; for, as the vicissitudes of fortune frequently changed in the grand contest for the crown, between the empress and the king, so they occasioned frequent changes in the dispositions of their supporters, and thus both competitors were often obliged to confer extraordinary grants upon their adherents, or to ratify those previously made by his rival. But, still, there is no direct evidence to be found of any creation to the earldom, either by the empress or the king. In the Testa de Nevill,* is recorded a verdict of the knights (i. e. jurors) of the rape of Arundel, that king Henry I. father of the empress Maud, held the rape of Arundel as his escheat, and that after his decease his grandson (i. e. Hen. II.) held it, and afterwards gave the whole rape, with the appurtenances, "*Willielmo comiti Arundell avo nunc comitis Arundell*," to hold by the service of four-score-and-four knights' fees and a half. This finding, tends to disprove the fact of a grant of the earldom, either by the empress or Stephen ; and most certainly shows, that the title of earl was not derived from any reserved tenure of the castle.

* Sussex,
81.

It has been already stated, that queen Adeliza, relict of Hen. III. held this grand territory in dower ; and, consequently, that, upon her death, the same was revertible to the crown : hence, without a grant, Albini could not have been intitled to the inheritance of the premises, which, according to this finding, were given to him, not in the time of Maud, or Stephen, but afterwards by Hen. II. ; so that, had the said Albani been created earl by either of those rivals, it must have been a personal dignity, and not by reason of the possession of the castle of Arundel.

But, though the record just cited, of the Testa de Nevill, imports the first grant to Albini, there is evidence of a grant made to him by Hen. II., entered on the charter-roll of 5 Edw. III., by inspeximus, as follows ; viz. " H. Rex Angl. &c. &c. Sciatis me dedisse Willo. comiti Arundell. castellum de Arundell cum toto honore Arundelli et cum omnibuz. pertin' suis tenend' sibi et heredibus suis de me et heredibus meis in feodo et hereditate *et tertium denarium de placitis de Suthsex, unde comes est.* Quare volo et firmiter precipio, quod ipse et heredes sui, hæc predicta, habeant et teneant bene et in pace et honorifice et libere et quiete et

hereditarie in dominiis, et in militibus, in feodis et in forestis, &c. &c. &c. cum omnibus libertatibus et liberis consuetudinibus prædicto honori et castellarie pertinentibus sicut rex avus meus honorem illum habuit, quando eum in suo dñio, hñit teste, &c.”

This charter is without date; and, as before observed, is by inspeximus, a circumstance which, without casting any suspicion upon the fidelity of transcript, or genuineness of the original, yet, it is to be remarked, that this inspeximus was obtained by the then earl of Arundel, of the Fitz-Alan family. The charter is so far singular, that it contains no mention of the service of any number of knights' fees, as the consideration of the grant of the castle and honour of Arundel, according to the finding of the inquest stated in the Testa de Neville; but it nevertheless styles William, “*Comes Arundel*,” which description, is not applicable to the title of earl, as applied in the charter to the third penny of the pleas of the county of Sussex, unde comes est.

William de Albini, the second earl, is one of the witnesses to a contract made the 14 of John*, between that monarch and the earl of Bologne, and is there written “*W. de Arundell, comes Sussexiæ*.” So was his father styled in another instrument† of the judgment of Hen. II., on the differences between the kings of Castile and Navarre, referred to his decision: from both which signatures the words “*de Arundell*,” import his description from his place of residence, and that earl of Sussex was his title of honour. Thus these documents do not seem to accord with the claim of the dignity, as arising from seisin of the castle, honour, and lordship of Arundel, made (as hereafter noticed) by John Fitz-Alan, in the reign of Henry VI. But, nevertheless, while the Albini family possessed Arundel, the title of earl, with that of Sussex, has, by our genealogists and antiquaries, been allowed to them, and the family certainly was, in succession, designated by both titles: yet, while that of Arundell appears to be devoid of proof of creation, there is not on record any evidence of the actual grant of the title of Sussex; though, according to our historians, the Albini line was girted with the sword of the earldom of that country. In the absence of patent, or charter, limiting the descent of either honour, it remains to be inferred, that, in whatever way the

* Fœd. N. E.
t. 1. 105.

† Ibid. t. 1.
34.

dignity of a peer of parliament is to be considered at the present day, the earls and barons of ancient times enjoyed their parliamentary privileges as appurtenant to the degree of rank they sustained, and that such legislative privileges were founded in conformity to the prescriptive usage of their predecessors, who had possessed the same degree of rank and dignity.

Hugh, the last Albini, earl of Arundel, died, 27 Hen. III., without issue. At the time of his death, his sisters, Mabel and Isabella, were dead, and his co-heirs were Robert de Tatershall, son of Mabel, the eldest sister; John Fitz-Alan, son of Isabella, the second; Nichola, wife of Roger de Somery, the third; and Cecilia, wife of Roger de Montalt, the fourth sister. Among these four, the large property of earl Hugh descended, and was divided, when the castle and manor of Arundel were assigned to John Fitz-Alan. From this period*, the said castle and manor of Arundel were inheritably vested in the Fitz-Alan family; but it is rather remarkable, that in many of the public documents relating to John Fitz-Alan the father, and John Fitz-Alan the son, after the before-mentioned partition, they are described by the addition of "*De Arundell*," probably to distinguish them from another great family of the same surname, viz. "*Fitz-Alan of Bedale*;" so that their possession of Arundel must always have been known to the persons who prepared those documents,—and yet they were styled in none of those documents, "*Earls of Arundell*." John Fitz-Alan, the co-heir of Hugh de Albini, the last earl, died the 51 Hen. III.; John, his son, died a young man, shortly afterwards, in the 56th of the same reign, leaving Richard his son and heir, aged five years†. This Richard (great grandson of Isabella de Albini,) was the first of his family to whom the title of earl of Arundel was given in a parliamentary character. In a record‡ of 16 Edw. I. (Sussex Rot. 26,) he is styled only *Richard Fitz-Alan*; but, in the 20th of the same reign, that is, four years afterwards, he was summoned, by two different writs§, to answer the king, respecting certain property in Salop; on which occasions he is styled "*Ricardus filius Alani comes de Arundel*;" from which records it appears that he became earl of Arundel, between the 17 & 20 Edw. I.,

* Rot. Pat.
28 Hen. 3.
m. 12.

† Esch. 56.
Hen. 3.
n. 36.

‡ Abb.
pl. 216.

§ Pl. in Quo
Warr. 681.
Rot. 26.
Salop.

though in what manner there is no traceable evidence (^e): he died the 30 Edw. I., and was succeeded by his son Edmund, who, the 34 Edw. I., was summoned to parliament by writ, directed "*Edmundo comiti Arundell.*" After this, being one of the turbulent nobility in the following reign, he was irregularly condemned to death, and executed for alleged treason the 20 Edw. II. This judgment, however, in 4 Edw. III. was annulled in parliament, and Richard his son was restored to the name of earl of Arundel, and had restitution of the castle of Arundel, and the lands appurtenant, which, on the attainder of earl Edmund, had been given by Edward II. to the earl of Kent, which earl died, seized of the said castle and premises (^f); and here it is most observable, that the restitution, was on the condition of rendering to the king and his heirs *something certain*, as the king should ordain and please, by which it seems that the castle and lands were not then intended to be restored to be holden by the ancient services (whatever they were): nevertheless, in pursuance of this Act of restitution, by letters patent of the 5th of Edw. III., reciting the aforesaid Act and the clause, that earl Richard should render to the king and his heirs, "*quoddam certum*," the king for his good services did, with the assent of parliament, grant to the said earl Richard, that he and his heirs might hold the said castle, &c. "*in eodem modo et per eadem servitia*," whereby earl Edmund, his father and his ancestors, held the same quit altogether "*de hujusmodi certo*," to be rendered to the king.

* Parl. Rot.
25 Edw. 3.
n. 8 & 9.

In the 25th of Edward III. *, the earl of Arundel prayed a ratification in parliament of the former restitution, (which seems only to have been made with the assent of the lords,) and accordingly it was assented to by king, prelates, earls, barons, and commons, then assembled in Parliament. In

(^e) In the roll of writs of summons, tested 23d June, 23 Edw. I., the consimilar is directed, "*Ricardo filio alani com. Arundell*," ranking him after *all the other* earls, which imports that he had not the *precedency* of his predecessors, possessors of the castle of Arundel.

(^f) If the possession of the castle of Arundel had of itself been sufficient to make the owner earl, then, the earl of Kent, as a natural consequence of his possession, would have been entitled to that dignity, which there is no account of his having ever assumed.

the 28th of Edward III. another Act passed, annulling the proceeding against Edmund earl of Arundel, and thus restoring earl Richard to the plenitude of his paternal rights, the same as if the proceedings against earl Edmund had never been made.

In the 23d of Edward III. this earl levied a fine of the castle, town, and manor of Arundel, with the appurtenances, to hold to himself for life, with remainder to Eleanor, his wife, for life, with remainder to the heirs male of the body of the earl by the said Eleanor, with other remainders over: the earl having survived, Eleanor died, leaving Richard, his eldest son and heir; and John, a younger son*. Richard succeeded his father, and became earl of Arundel; he left Thomas, his son and heir, and four daughters. Earl Thomas died S.P. the 3d of Hen. V.; leaving his four sisters, viz. Elizabeth, duchess of Norfolk, then wife of Sir Gerard Ufflete; Joan, lady Bergavenny; Margaret, wife of Sir Rowland Lenthall; and Alice, wife of John Charleton, Lord Powis, his co-heiresses at law. But on the death of earl Thomas, John Fitz-Alan, grandson of John the younger son of earl Richard, who levied the fine, by virtue of the entail so created, obtained livery in the 4th of Hen. V., of the castle, town, and manor of Arundel, with the town and manors of Clun and Oswaldestrie, and other large estates included in the entail. He does not appear to have assumed the title of earl of Arundel, but he died shortly afterwards, in the 9th of Hen. V., leaving John, his son and heir, a minor; who, attaining his age, was in the 7th of Hen. VI. summoned to Parliament by writ directed, "*Io. Arundell de Arundell Chivaler.*"

* Vide
Bank's Ext.
Peer. Vol. I.
p. 12.

In the 8th of Hen. VI., by the title of earl of Arundel, he was in the wars of France; and in the 11th of the same reign he petitioned the king to have the said dignity confirmed to him. On this occasion he was opposed by the duke of Norfolk, who claimed right thereto; and to the castle, &c. of Arundel, as heir-general of earl Thomas, who died issueless, as before mentioned. On this occasion, according to the entry in the Parliament roll†, it is stated, "that, upon reading the petition of the title of John earl of Arundel, and consulting the judges and others learned in the law, and the rest of the king's council, and considering that Richard Fitz-Alan, cousin, and one of the heirs of Hugh de Albini, formerly earl of Arundel,

† Parl. Rot.
11 Hen. 6.
Vol. IV.
p. 441.

was seised of the castle honour and lordship in fee ; and by reason of his possession thereof, without *any other reason or creation*, was earl of Arundel, and held the name, style, and honour of earl of Arundel, and the place and seat of earl of Arundel in Parliament, and councils of the king, as long as he lived, without any claim, reclamation, or impediment ; the king led by these and *other considerations*, by advice and assent of prelates, dukes, earls, and barons, in the then Parliament being, the said John, then earl of Arundel, to the place and seat of earl of Arundel, in the king's Parliament and councils, anciently used and accustomed, in the same manner and form in which his ancestors, earls of Arundel, the same seat and place, best and most freely had, admitted him to have and possess, and decreed, appointed, and declared him to be admitted ; not intending, however, any prejudice should be produced in this respect to any title, right, or interest of the king, or of the said duke of Norfolk, or of any other person, by reason of the premises, in any manner notwithstanding." The judgment therefore was in effect, that the earl being earl of Arundel, his claim was well founded upon the allegations made by him ; though it is rather observable, that no mention is made in the proceeding of *any evidence produced by the earl, to shew the immemorial usage under which he claimed*.

Had the earldom been personal in the family of Albini, it would have been in abeyance among the co-heirs-general of earl Hugh de Albini. Had it been revived by determination of the abeyance, in favor of the Fitz-Alans, it would have fallen again into abeyance upon the death of Earl Thomas, S. P. among his sisters and co-heiresses, from one of whom the said duke of Norfolk was descended. Had the earldom been created by patent, or charter, with any special limitation of descent, it must have followed the course of such limitation : the Albini family regularly enjoyed the dignity in succession. The first Fitz-Alans did not have the title, so that the immemorial usage was evidently interrupted. The saving clause, at the conclusion of the parliamentary order, is so far singular, that if the order was to be considered as a judgment of parliament, there could be no reservation of the rights of any other person ; for it must either have been a *determination of right*, or it was illusory, and operated nothing.

From this period, the Fitz-Alan family, as owners of the castle of

Arundel, continued to enjoy the earldom, until Henry Fitz-Alan, earl of Arundel, who died the 22d of Elizabeth, left only female issue his co-heirs: of these, Mary, the second daughter, married Thomas Howard, duke of Norfolk (one of the co-heirs of the duke of Norfolk, competitor with John, earl of Arundel, 11 Hen. VI.) By this marriage, the castle of Arundel, and co-descendable title, was acquired by the Howard family; to which title, Philip Howard, eldest son of the duke, on the death of his maternal grandfather the earl of Arundel, succeeded. He was afterwards attainted: but his son and heir, Thomas, was, by act of parliament, restored to all such titles of honour as his father, Philip, earl of Arundel, had lost by his attainder. The lands, which had formed the baronies of Clun and Oswaldestrie, had, however, been granted to the earl of Northampton, and passed from him to the earl of Suffolk, and, consequently, were lost to the family of the earl of Arundel. This Thomas, earl of Arundel, in the 3 Cha. I., obtained an act of parliament ^(g), by which it was enacted, that the title, name, and dignity of earl of Arundel,—and castle, honour, and lordship of Arundel,—and the titles, names, and dignities of lord Fitz-Alan, lords of Clun and Oswaldestre, and Maltravers; and all pre-eminences, arms, ensigns, and dignities to the said earldom, castle, honour, and baronies belonging, and the borough and manor of Arundel, and divers other lands, &c., might and should for ever, by virtue of the said act, stand and be, and remain conveyed, assured, limited, and settled to him the said Thomas, earl of Arundel and Surrey, and *the heirs male* of his body; and for default of such issue to *the heirs of his body*; and for default of such issue, to his uncle, lord William Howard, and *the heirs male* of his body; and for default of such issue, to *the heirs* of the body of lord William Howard; and for default of such issue, to the said Thomas, earl of Arundel and Surrey, and his heirs for ever; with provisions, avoiding dowers and alienation by any of the persons to whom the premises should come by virtue of the act.

(g) It is not an incurious circumstance, that this earl Thomas should, at the time of applying for, and having this act passed, be in a perfect state of insanity.—*Vide Journ. Dom. Proc. eod. anno.*

This legislative provision has put an end to all questions as to the title of earl of Arundel, so long as there remain issue-male of Thomas, earl of Arundel; yet, it does not appear that the framers of this act adverted to the consequence of failure of heirs male of the body of earl Thomas, when, under the entail created by the act, the landed property should become a *partible inheritance* among *the heirs of his body*, who, in process of time, might become many in number, and who were all to take before the lord William Howard, and the heirs male of his body. And the same difficulty would occur on failure of heirs male of lord William, when the limitation to *the heirs of his body* should take place: and again, if *the heirs of the body of both* should fail, and the limitation to earl Thomas, *and his heirs for ever*, should take place: in either of which instances, the said landed property might become divisible into many portions ^(h).

What might be the effect of an attainder of one of the heirs male of earl Thomas, may be a question of serious consideration: the present possessor of the titles *is not heir* of the body of earl Thomas, though *heir male* of his body; nor is he *right heir* of earl Thomas.

From the preceding statement, it may be collected, that the dignity of earl, in the more ancient times, was usually given in terms implying creation, to which was incident the right of seat and voice in the legislative assembly, or parliament (such as it then was) of the nation; and that the said dignity was not the consequence of Tenure of lands; still it is to be inferred, that although there is not on record an instance of any earldom having been holden of the king, in capite, by the service of an earldom, (as by the service of barony,) the title was in some respect connected with, and dependent upon the actual possession of territory: for, if the honour

^(h) Perhaps, on such an occurrence, the crown might be deemed intitled by its prerogative, (as the dignity of peerage is not partible,) to select one among many co-heirs for the earldom; but, as all the landed property is limited *in gross* by the act, such a selection would be contrary to the principle of division, as authorised by the common law, in the case of coparceners. The titles of Fitz-Alan, Clun, and Oswaldestre, and Maltravers, are, by the act, confined to follow the title to the castle, &c.; with which, before the act, they unquestionably had no connection.

was purely personal, there could be no curtesy of it; and yet there are innumerable instances where, when the heir has been a female, her husband, or husbands, if married more than once*, have, seriatim, enjoyed the title: and this privilege could only emanate, (unless from the king's special grace, which then could merely be for life,) from the tenure of lands, for which livery, homage and service could be given and exacted.

* Essex
Aumarle
Glouc. &c.

BARONS.

Notwithstanding this degree of nobility is the junior, in point of rank, yet it is of the first degree, in point of antiquity. The public records do not contain any evidence of absolute creation, as they do of the ancient earls, and, consequently, the grant of lands, when specially limited to be holden by the service of barony, or, as it is termed in the old books, *per baroniam*, must be deemed to have conferred on the donee the dignity of a baron, to whom, in such character, the right of summons to parliament, in the mode it was then accustomed to be holden, became incident as a matter of privilege and distinction, co-equal with the tenure. In the characters of creation of the old earls, the grant of the third penny of the issues of the county, with the words *unde comes est*, have been taken as indicative of the creation and the girding with the sword, as the investiture into the earldom: *pari modo*; then, the grant of lands to be holden *in capite*, *immediately of the crown*, *per baroniam*, may be considered the creation of the baronial honour, while livery of seisin may be esteemed the investiture into the actual barony, and homage may be looked upon as the royal acceptance of the service, and approbation of the dignity: for those who held of mesne lords were bound to the king only by the oath of fealty.

Among the companions of the Conqueror, were divers earls and barons of Normandy, on whom he bestowed vast possession in England, where they, for the greater part, thenceforth thought proper to reside. These eminent persons cannot be imagined to have accepted their grants to hold of the crown in an inferior degree of rank, to that whereby they possessed their honour in their own country: they, *ipso facto*, were barons in virtue

of their territorial acquisitions ; and, till after 49 Hen. III., most unquestionably were accustomed to be called to the legislative assemblies of the nation, by reason of those tenures, of which, the parliamentary privilege was a franchise.

* Peerage
Rep. p. 31.

Those freehold tenures, immediately of the crown, after the completion of the conquest, which were deemed lay fees, consisted of tenures by knights' service, tenures by serjeanty, and tenures of lands of the king's demesnes, paying only some certain rent or render. Knights' service was undoubtedly military service. Tenure, immediately of the crown, by serjeanty, was of two sorts: that denominated grand serjeanty, consisted of some service respecting the king's person or dignity,—as, to be his constable, marshal, champion, chamberlain, butler, or similar service specially attached to, or performed about, the king's person. Petit serjeanty was some particular inferior service, not strictly military, or personal to the king, but esteemed of that species called tenure in socage,—a term, applicable to all freehold tenure of the crown, which was not deemed military tenure. But *lands holden by grand serjeanty, were considered illustrious**, owning no superior but the king. These lands, upon the death of the ancestor, were upon inquisition, finding the tenure and death of the ancestor, seised into the king's hands. If the heir was under age, (*i. e.* twenty-one,) the king retained the possession, having the intermediate custody and marriage of the minor in wardship. If the heir was at the years of majority, he was intitled to demand livery of the lands by the king's officers, on paying a relief, and doing fealty and homage ; the relief being fixed both by the Magna Charta of king John, and that of Henry III., at a certain rate, according to the rank of the person ; *viz.* for an earl, *one hundred pounds* ⁽¹⁾ ; for a baron, *one hundred marks*. Thus, tenure *per baroniam*, comprehending a *certain degree of rank in the state*, was acknowledged by the provisions of the legislature.

In the reign of Henry II., that monarch had to maintain a contest with the usurpations of the see of Rome, which produced the Constitutions of

(1) Si quis, &c. de comitat. integro per c. lib. hæres Baron, per C. Marcas. Hæres Mil. C. Solidos.—Mag. Chart. cap. 2.

Clarendon, which, according to the evidence of history, were made in an assembly or concilium, convened in the 10th of his reign.

A copy of these constitutions is preserved in the British Museum*: they are in the form of a declaration and recognition, in the presence of the king, of a certain part of the customs and liberties and dignities of his predecessors. The 11th Article of this constitution provides, *viz.* “*Archiepiscopi, episcopi, et universæ personæ regni qui de rege tenent in capite, habent possessiones suas de domino rege sicut baroniam, et inde respondent iusticiis et ministris regis et secuntur et faciunt omnes, rectitudines et consuetudines regias, et sicut barones cæteri debent interesse iudiciis curiæ domini regis, cum baronibus usque perveniatur in iudicio ad diminutionem membrorum vel mortem.*”

* MS. Cott.
Claud. B.
f. 26.

From this article, it seems, that the persons therein styled “*Barones cæteri*,” were, as barons, bound to attend the king’s supreme court of justice, and that the archbishops and bishops, and others of the clergy (abbots and priors), who had their possessions of the king in capite, *sicut baronias*, were bounden to attend the same court, *sicut barones cæteri*, by reason of their tenures; from which it may be concluded, that it was by reason of *their tenures* that *other barons* were bounden to attend the king’s court. Now, all those who held immediately of the crown by military service, held by honourable service, and might, therefore, be deemed the king’s barons, though the extent of their possessions and number of knights’ fees, for which they were bounden to perform military service, might be very different; yet, unless they held their said possessions *per baroniam*, or *sicut baronias*, it may be questionable how far they were bounden to attend the king’s supreme court, as expressed in this article. By Domesday Book, the tenants of the crown appear to be above seven hundred; yet the number of earls and barons are, by Camden, stated not to have exceeded three hundred; so that it must be evident, that while the king’s barons were tenants in chief of the king, all tenants in chief of the king were not the king’s barons, or *barones regni*.

The charter of king John, requiring special writs to be sent to those persons designated as *maiores barones*, must be viewed to have been adopted to distinguish such persons from others, to whom the word *barons*

without distinction might have applied (^k). Whether this distinction originated in that charter, or had a more early origin, there are no records to decide: yet, from the instrument itself, it may be presumed that the term *majores barones*, was a term and distinction then well understood, and, consequently, was not a *concession*, but a *confirmation* of an *antecedent right* (¹).

The result of these documents affords reason to believe, that, from the conquest to the close of the reign of John, the great council of the nation consisted only of persons falling under the general denomination of barons, who, from being the military tenants of the crown, were accustomed to be summoned to perform the services, due by their tenures, in two ways—by special writs, and by general summons. That the persons, to whom the first kind of writs were directed, were such as, in the constitutions of Clarendon, were mentioned as holding their lands *sicut baronias*, in which distinction were included prelates, distinguished by their respective ecclesiastical dignities; and earls also, distinguished from the barons, by that particular title of dignity. Yet, in fact, though thus contradistinguished

(^k) The word *baro*, in many instances, included all the immediate tenants of the crown, by military service: and sometimes it was applied to the freehold tenants of a manor: but, in this instance, the denomination of *majores barones*, seems decidedly confined to those only, who were esteemed the *king's barons*, or *lords of parliament*; namely, persons, higher in dignity than those meant to be summoned by writ generally.

(¹) The charter of 9 Hen. III., printed in the authorised collection of statutes, and which is deemed therefrom “the Great Charter of the Liberties of the Kingdom,” omits, as the two preceding charters of Henry did, the clause in the charter of John, respecting the summoning “the Commune Concilium,” for assessing aids and scutages, yet, it adds, (as in his second charter) “*Scutagium de cetero capiatur sicut capi solebat tempore regis Henrici avi nostri.*” Though the clause aforesaid is omitted, yet, by this insertion provided, the mode of summoning *majores barones* prevailed in the time of Hen. II.; the privileges of the baronage became admitted; and indeed the right of the baronage, or commune consilium of king John, to be summoned for the granting of aids, may be justly appreciated as a right never attempted to be infringed, otherwise than by the false assumption of a despotic power, which, in the instance of Cha. I., in the case of ship-money, led the mistaken monarch to the block.

from each other, they were members of the supreme court, or legislative assembly, as barons, or peers to each other, in respect to their equality of holding their possessions *sicut baronias*.—It is to be remarked, that notwithstanding the charter of 9 Hen. III., does not contain the clause of the Runnimede charter of king John, respecting the mode of summoning the tenants in capite of the crown to the *commune concilium*; yet, the form of convocating parliament has continued to the present day, in conformity to the said clause; the nobility or peers being summoned by *the special writs*, and the members of the lower house, or house of commons, by the *sheriff's writ, generally*.

With regard to the law pretended to have been passed after the surrender of Kenilworth, that no earl or baron should come to parliament without being specially summoned thereto by the king, it has already been dilated upon, that while the law itself is very doubtful as to having been enacted, yet it never could be intended thereby to destroy the right of the tenant of the king *per baroniam*. For, as the relief to be paid by the heir of an earl or baron comprised a part of the royal treasury fees, or rather revenue of the king, it cannot be supposed for a moment, that a man so continually in want of money as Henry was, should have consented to a law that must have affected his *droits of prerogative*. Nor can it be accredited that the spirited nobles of that day would have continued to have paid for earldoms and baronies, and yet have been deprived of the privileges attached to tenures, subject to so heavy an imposition. During the reigns subsequent to Henry, there are numerous instances of the respective monarchs taking the homage of their tenants in capite for their baronies; and, on these facts it is to be observed, that if the baronies had not been derived from land, the escheator could not have executed the king's writ of inquisition on the death of the ancestor; nor could the king have had the custody and marriage of the heir in case of minority. On a personal barony, created by writ of summons, no custody could be had; for there were no revenues to benefit the royal coffers, and the escheator could not take into his hands that, of which no possession could be given.

Though, by a continual and progressive alienation of lands, many of the once great nobility of the realm contributed to their own disfranchisement;

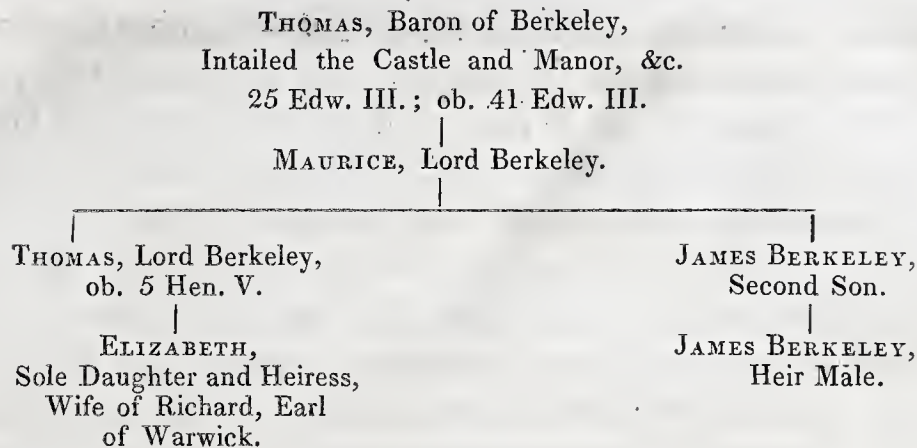
yet, there are indubitably some honours still remaining, whereof the descent has been founded on the right of tenure.

THE BARONY OF BERKELEY.

* Testa de
Nev. Glouc.

This was an ancient barony, and in the Testa de Nevil* is styled *the Honour of Berkeley*; an evident demonstration of the dignity of the territory. According to sir William Dugdale, the possessors of the castle of Berkeley were from time immemorial ranked among the barones majores, and, as well before as after the 49 Hen. III., were summoned to the wars, and to parliament, in the character of barons of the realm. After divers successions, Thomas, the elder lord Berkeley, being seised in fee of the castle and manor of Berkeley, &c., by a fine levied 25 Edw. III., intailed the said castle and manor, &c. to himself, for life, remainder to the heirs male of his body. After this he died, leaving Maurice Berkeley his son and heir; which Maurice had issue Thomas, lord Berkeley, his successor, and James, a younger son. The said last-named Thomas, lord Berkeley, died 5 Hen. V., leaving Elizabeth, his sole daughter and heiress, married to Richard, earl of Warwick.

Now, had the barony been created by personal writ of summons, it ought to have devolved upon the said Elizabeth, as heir general; but the right of barony being considered to have been hitherto territorial, and the summons co-incidental, and sanctioned by constant usage, James Berkeley, son and heir of the aforesaid James Berkeley, by virtue of the intail enjoyed the castle and barony of Berkeley, and had summons to parliament accordingly, 9 Hen. V.; but whether he had the ancient seat of his ancestors, there are no journals of parliament to determine with certainty.



After this, William, lord Berkeley, son and successor to the aforesaid James, was created marquess of Berkeley; but, having no children, and having taken some displeasure against his brother Maurice, he intailed the castle and manor of Berkeley, for want of issue of his own body, upon king Henry VII., and the heirs male of his body, whom failing, to his own right heirs. The said William, marquess of Berkeley, dying without surviving issue, and the castle and manor of Berkeley having thereby vested in the king, Maurice Berkeley, brother and heir of marquess William, never had or enjoyed the barony. He died 22 Hen. VII., leaving Maurice, his son and heir, who, 14 Hen. VIII., was summoned to parliament; but, according to Collins, in his peerage history of the family, had not the place of his ancestor, by reason the castle and manor were in the king, and he sate only under the date of that summons. He died without issue, and his brother Thomas was his heir, who, 16 Hen. VIII.,* had livery of those lands which descended to him. He died 25 Hen. VIII., when his son, another Thomas, being of age, had livery of his inheritance the same year†, in which it appears, from the lords' journals, that he had summons to parliament, and that his name stands above the lords Talbot, Grey de Wilton, and Stafford‡. He died the year following; viz. 19th Sept. 1534, the 26 Hen. VIII., leaving a son and heir, Henry, in minority.

* Pat. 16.
Hen. 8. p. 1.

† Pat. 25.
Hen. 8. p. 2.

‡ Journ.
Dom. Proc.
Vol. I.

This Henry, upon the death of king Edward VI., who was the last male heir of Henry VII., became intitled to the reversion of Berkeley castle, and the estates settled on that monarch by marquess William, as before

* Jour.
Dom. Proc.
Vol. II.

mentioned. He accordingly had restitution of them, after they had vested in the crown for nearly sixty-two years. Collins says, that he was summoned to parliament 4 & 5 Phil. & Mary, and placed in the ancient precedence. The time of summons is correct*; but the precedence is questionable, inasmuch as the journals show he had the same place as his father Thomas had, 25 Hen. VIII., who was not then repossessed of Berkeley, &c.

† Ibid.

Hence it rather seems, that the seat of all the lords Berkeley, descending from James Berkeley, who was summoned to parliament 9 Hen. V., was according to the precedence of that writ, and that the said writ was directed to him, as being possessed of the caput baroniæ, or castle of Berkeley, under the fine of 25 Edw. III. This conclusion appears also more conformable to the resolution of parliament, on the question of the Delawar claim, made 39 of Eliz.†, when the lords gave precedence to Delawar above Berkeley, and next below Willoughby of Eresby.

This determination of the house, however acted upon, bears a difficulty of reconciling with the precedence allowed in the case of Abergavenny (^m).

ABERGAVENNY.

The castle of Bergavenny, (so denominated in ancient records,) now called Abergavenny, was built by Hamelin de Balun, a noble Norman, to whom king William gave the land and territory of Over-Went, in Monmouthshire, as his barony. This Hamelin having no issue, gave at his death the said castle and territory to his nephew Brientius de Insula, who was baron of Wallingford, in Oxfordshire, so that in him, it was an adjunct, but not a principal barony. He having only two sons, who were lepers, he placed them in the priory of Bergavenny, (which was of his uncle's foundation,) and gave his castle and lordship aforesaid to his cousin

(^m) In a letter from the late earl Berkeley to the Editor, dated Spring Gardens, 4th April, 1810, is the following observation respecting his baronial title; viz. "*Berkeley will satisfy me, though Ormond is oldest; but my name I value as well as a title. My castle gives a baron, and I believe there is not one more left that does so.*"

Walter, of Gloucester, at that time high constable of England. Milo, son of Walter, was afterwards created Earl of Hereford, whereby the barony, as a distinct honour, was dormant in the superior title of earl. By one of the co-heiresses, of the Earl of Hereford, the castle and lordship of Bergavenny, with the land of Over-went, came in marriage (on partition of the inheritance) to William de Broase, who was a great baron and lord of Brembre, in Sussex, by reason whereof Bergavenny was a duplicate barony in that family. By a co-heir of Broase, the castle, &c. after a time, came likewise in marriage (on partition) to Sir William Cantilupe, a person of honorable descent, but who, till this period, was not a baron of the realm.

Here, for the first time, since the death of Hamelin de Balun, the castle, &c. of Bergavenny, seem to have conferred baronial rank upon the possessor. William de Cantilupe, who, during his life made a very conspicuous figure in the eventful transactions of the long reign of Henry III., was, in the character of a baron, summoned to the wars; and, were the writs of parliamentary summons extant, there can be no doubt but that he was summoned thereto in the same character. He died, leaving a son, George; and two daughters: the son afterwards died without issue, and the daughters made partition of the inheritance; on this occasion, Joan, who was the wife of Henry lord Hastings, had allotment of the castle and lordship of Bergavenny, with the lands of Over-went.

The family of Hastings had long before been of baronial rank, but as their barony of Hastings seems to have been forfeited before, and never restored after the Dictum de Kenilworth; there is reason to believe that after the acquirement of Bergavenny, that was the head of their barony, by virtue whereof they were subsequently summoned to parliament. This appears the more conclusive, because in the exemplar of the letter of the nobility of England, subscribed by them in the parliament at Lincoln, 29 Edw. I., and sent to the pope, touching the king's supremacy over the realm of Scotland, John de Hastings styles himself lord of Bergavenny, viz. "*Johes de Hastyngh Dñs. de Bergeveny.*"* And in the inquisition taken upon the death of John de Hastings, 18 Edw. II., he is there named *Dñs. de Bergeveny*.† This family being afterwards advanced to the dignity of earl of Pembroke, Bergavenny, as a barony, became suspended.

* Append.
Peerage
Report,
p. 125.
† Esch. 18.
Edw. II.
N. 83.

At length, upon the death of John third Hastings, earl of Pembroke, without issue, the castle and lordship of Bergavenny, instead of passing to his heirs, went by some conveyance at law, or settlement made 43 Edw. III. by John earl of Pembroke, (whereby in default of issue of his own body, he gave Bergavenny and other lands) to William Beauchamp, son of his mother's sister; which William was, by king Richard II., summoned to parliament as baron of Bergavenny, the 16th of his reign. His son, named Richard, was afterwards created earl of Worcester, and died, leaving an only daughter and heir, Elizabeth, who married sir Edward Neville, a younger son of Ralph, earl of Westmorland; which Edward, 29 Hen. VI. had summons to parliament as lord of Bergavenny. But it is to be observed, that at this time Nevill had not possession of Bergavenny ("), by reason of an intail made by sir William Beauchamp, of the said castle and lordship, on Joan, his wife, and the heirs male of the body of the said sir William, with remainder in default of such issue, to the heirs male of his elder brother Thomas, earl of Warwick. Thus Burgavenny was taken by Richard, son of the said Thomas, earl of Warwick; whose son, Henry, duke of Warwick; Anne, daughter of Henry, who died in her minority; Anne, sister of duke Henry, which lady married Richard Nevill, earl of Warwick and Salisbury; George, duke of Clarence; and Richard, duke of Gloucester, who married the two daughters and co-heiresses of the said earl Richard, were successively seized of the castle and lordship of Bergavenny, though most illegally. But when king Henry VII. obtained the crown, (by the death of Richard, duke of Gloucester, otherwise king Richard III.) he bestowed Bergavenny on his uncle Jasper, earl of Pembroke; by whose death, without issue, the same returning to the crown was, by king Henry VIII., restored unto George Nevill, lord Abergavenny, grandson of the aforesaid sir Edward Nevill, upon a petition of right exhibited by him, shewing how wrongfully Richard Nevill, earl

(ⁿ) Collins, in his account of the proceedings before the lords on the claim, differs from his statement in the peerage history of the Abergavenny title; for he there says, that Nevill had livery of the castle, &c. 27 Hen. VI., and that his summons followed that possession; viz. 29 Hen. VI.

of Warwick, had withholden and detained possession of the castle and lordship of Bergavenny, from the right heirs of sir William Beauchamp, the first lord Abergavenny, who had made the intail.

This George, lord Abergavenny, died 27 Hen. VIII., having entailed the castle and lordship of Bergavenny, for want of heirs male of his own body, to the heirs male of his brother, sir Edward Nevill; the remainder in fee to his own right heirs. He left a son, Henry, the next baron, who had no male issue, but had an only daughter and heir, Mary, who married sir Thomas Fane, knight. Hereupon representing to his majesty, that as he was tenant, by the curtesy of England, of all her inheritances during his life, he considered the title and dignity of Bergavenny was an inseparable part and portion thereof, and as such, that it was his duty to claim the same, to preserve as her right in her own behalf, and for the benefit of her heir.

This claim was opposed by Edward Neville, great nephew and heir male to lord George, who made the intail, by virtue whereof he was intitled to the possession of Bergavenny, which carried with it the name and dignity of baron. Here it is to be remarked, that sir Edward Nevill, knt. grandfather of the said Edward, the claimant, was attainted for treason the 29 Hen. VIII., whereby he forfeited all his remainder unto the said king, who died seised thereof, as did also king Edward VI. Upon the presumption, that the attainder operated as a bar to the claim of a son through an attainted ancestor, the same as if he had been naturally dead without issue, the pretensions of Lady Fane must have been founded, so far as regarded the castle of Bergavenny, upon the remainder in fee, limited by George lord Abergavenny, after the failure of issue male of his brother, sir Edward Nevill, to his own right heirs, in which capacity, the said lady Mary, was his heir-general.

It must be evident, that the claim of lady Mary to the barony of Bergavenny, could only be under the writ of summons to her ancestor, sir William Beauchamp, as a personal barony. And that the counter-claim of Nevill, as heir male of intail, could be supported merely by record, that the barony was entailed by heirs male; or that it was a prescriptive right, emanating from the possession of the castle, in a way similar to that of

Arundel. Under the decision before shewn, the prescription was not proveable. Tenure then presents itself, as the ground of barony attached to the possession of the castle, &c.

This important case was argued in the house of lords for seven days, —on this occasion

Serjeant Doddridge, who was counsel for Edward Nevill, said, those who denied the existence of baronies by tenure, objected first that the grantee of them must hold by the same tenure, namely, *per baroniam*; and therefore if a grant of them were made to persons ignoble, they would become noble, which would be absurd. Secondly, it was evident that many manors, which in former times were holden *per baroniam*, were then in the possession of mean persons, who never claimed the title of barons. Thirdly, that there were some ancient barons, who had sold their castles, and yet retained their dignities.

To these objections the serjeant answered; first, that if a baron by tenure aliened without a licence, he forfeited his estate, which was seized by the king, and so the dignity was extinguished. If he aliened with licence, such alienation was made, either for the continuance of the dignity in his blood, by entailing it to some branch of his family, or to a stranger: in the first case, he mentioned several instances, where the dignity was allowed to pass, and be enjoyed by the alienee; particularly those of Arundel and Berkeley. And, in the second case, he mentioned several examples where the alienee had borne the name and dignity of a baron, in respect of such barony so aliened; and where such alienee had no dignity before he had, in respect of that, been summoned to parliament, and enjoyed the dignity.

To the second objection, he answered, that, it was true, ancient baronies were in the hands of persons ignoble, but the reasons were twofold. First, because they had been aliened by licence to them. Second, such manors had come to the crown by way of reversion, escheat, or forfeiture, and were granted again, reserving other services.

As to the third objection, that ancient barons aliened their castles, and still retained their dignities, he answered, that *such baronies were created by writ*, in which the persons summoned were named by the principal place

of their abode ; and therefore, though they aliened their castle or manor, from which they were named, yet they retained their dignities.

It is said* in the journals, “ that the question seemed nevertheless not so properly and exactly resolved, as might give clear and undoubted satisfaction to all the consciences or judgments of all the lords for the precise point of right ; and yet so much was shown and alleged on each part, as, in the opinion of the house (if it might stand with the king’s good pleasure and grace,) made them both capable and worthy of honour. It was, therefore, moved and so agreed, that information should be given unto the king’s majesty of all the proceedings of the said court in this matter ; and that humble suit should be made to his majesty, from the lords, for the ennobling of both parties, by way of restitution,—the one to the said barony of Bergavenny, and the ancient place belonging to the same, and the other to the barony of Despenser.”

* Lords’ Journals, Vol. II. p. 345.

King James agreed to the proposal of the house of lords, but nevertheless required the lords to determine upon which of the candidates the dignity of the barony of Bergavenny should in their judgment be conferred.

The question was proposed by the lord Chancellor, whether the heir male should have the barony of Bergavenny ; and it was resolved, by the greater number of voices, that Nevill should be restored thereto, and settled therein. A writ of summons was in consequence issued to Edward Nevill, who, the 26th May, 1604, was introduced into the house of lords, and took his seat next above the lord Audley†.

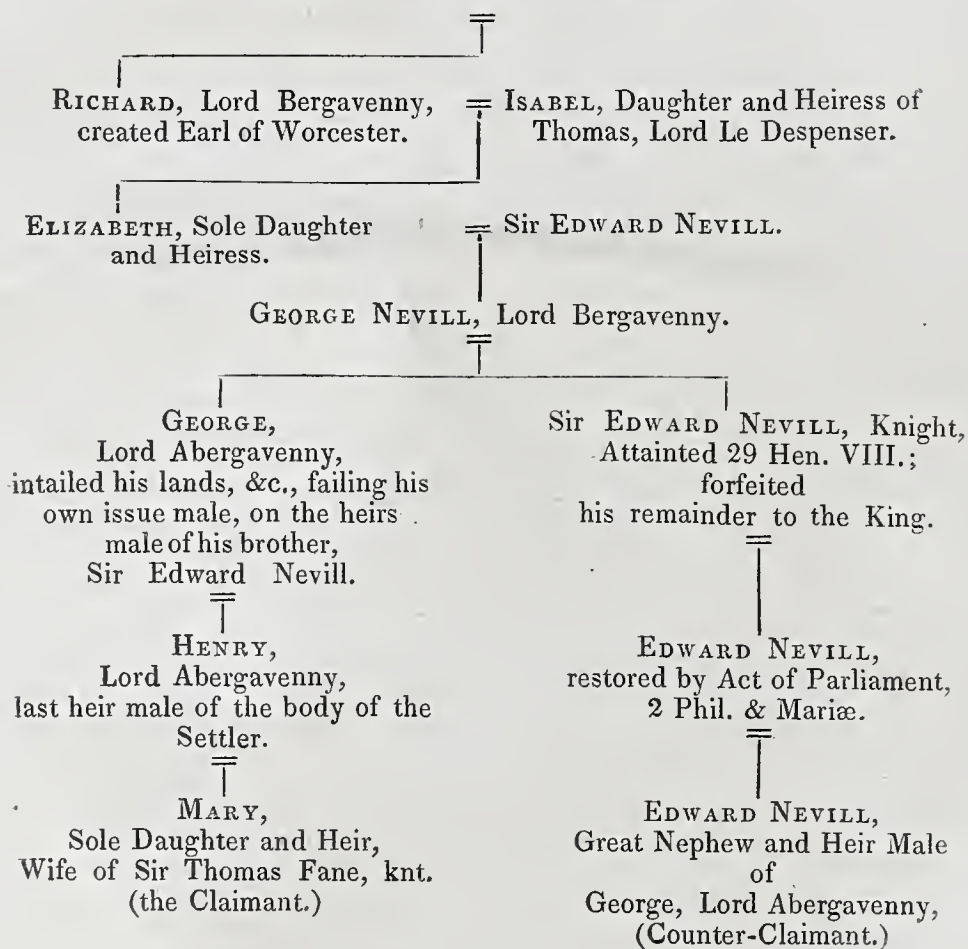
† Journ. Dom. Proc. Vol. II.

With respect to the whole proceedings on this claim, they seem irreconcilable with any principle. The barony of Bergavenny was claimed by lady Fane, and the lords gave her that of Le Despenser. To this she had a just right by descent, in which Edward Nevill could not be a competitor, for he was not heir general of the Despenser heiress. So far the house embraced extraneous matter, which was not in dispute. But the lords gave Bergavenny to the male heir, with precedence above the lord Audley. This precedence could not be claimable from the writ of summons to sir William Beauchamp, for that was in the 16 Rich. II. If it was from John Hastings, lord of Bergavenny, 23 Edw. I., then Nevill was not derived from Hastings, was a stranger in blood, and the mere

ORIGIN OF NOBILITY.

representative (though heir male) of an assignee of the castle of Bergavenny. The decision appears to have carried with it the confirmation of the restoration of the remainder forfeited by sir Edward Nevill, made to his father in the 2 Phil. & Mariæ, so long as there shall be any heirs males, but the remainder to the heirs general, preserved then to the queen.

Sir WILLIAM BEAUCHAMP, Lord of Bergavenny,
by Acquirement, and not by Descent.



KINGSTON-LISLE.

This barony, however it originated, of which there is no distinct account in Dugdale, whose history of the Lisle family is very unconnected, is so far of considerable interest, inasmuch as, by the several documents on record, it has been declared that the manor of Kingston-Lisle, in Berkshire, was formerly a barony, to the possession of which was annexed the title and dignity of baron, and lord Lisle: and this declaration is the more particular, because it does not appear to have been holden immediately of the crown in capite, but of a subject*.

By letters patent†, under the great seal, bearing date 21 Hen. VI., it is set forth, that Warine, lord Lisle, was seised of the manor of Kingston-Lisle, and that he had issue Margaret, who married Thomas, lord Berkeley, who had issue Elizabeth, who married Richard, earl of Warwick, and had three daughters, Margaret, Alianor, and Elizabeth: of these, Margaret, on partition with her sisters, had the manor of Kingston-Lisle with the appurtenances. She married John Talbot, earl of Shrewsbury, (to whom she was second wife,) and had issue John Talbot, to which John, the said Margaret and her husband gave the aforesaid manor of Kingston-Lisle, with its appurtenances.

The patent then proceeds to recite how the said Warine, lord Lisle, and all his predecessors, *by reason of the possession of the said lordship and manor of Kingston-Lisle* had obtained and holden the name and dignity of baron, and lord Lisle, from time immemorial; and that he and his successors had enjoyed place in all parliaments, as other barons of the realm had usually done. The patent, after some further preface, then declares, “Quod ipse (Johannes Talbot), et hæredes sui domini dictorum dominii et manerii de Kyngeston Lisle, ex nunc domini et barones de Lisle, ac barones nobiles et proceres regni nostri, habeantur, teneantur, et reputenter; habeantq nomen, stilum titulum et honorem baronum et dominorum de Lisle, ac sessiones in parliamentis et consiliis nostris, hæredum nostrorum, &c. &c. Prout dictus Warinus, seu aliquis alius, baroniam et dominium predicta ante hæc tempora habens et occupans habuit et tenuit. *Et ne propter temporis*

* Testa de Nev. Oxon & Berks.

† Rot. Pat. 21 Hen. VI. n. 23.

prolixitatem, aut successionis variationem aliove modo, de hujusmodi stilo nomine et dignitate aliquando dubitari posset, ad removendum omnem hujusmodi dubitationis scrupulum, ipsum Johannem in dominum et baronem de Lisle preficimus et creamus, &c. &c. Habendum et tenendum nomen, stilum titulum et honorem supradicti unacura sessionibus supradictis in parliamentis consiliis, et locis predictis, necnon omnibus et omnimodis dignitatibus et preeminentiis supradictis eidem Johanni hæredibus et assignatis suis imperpetuum, &c."

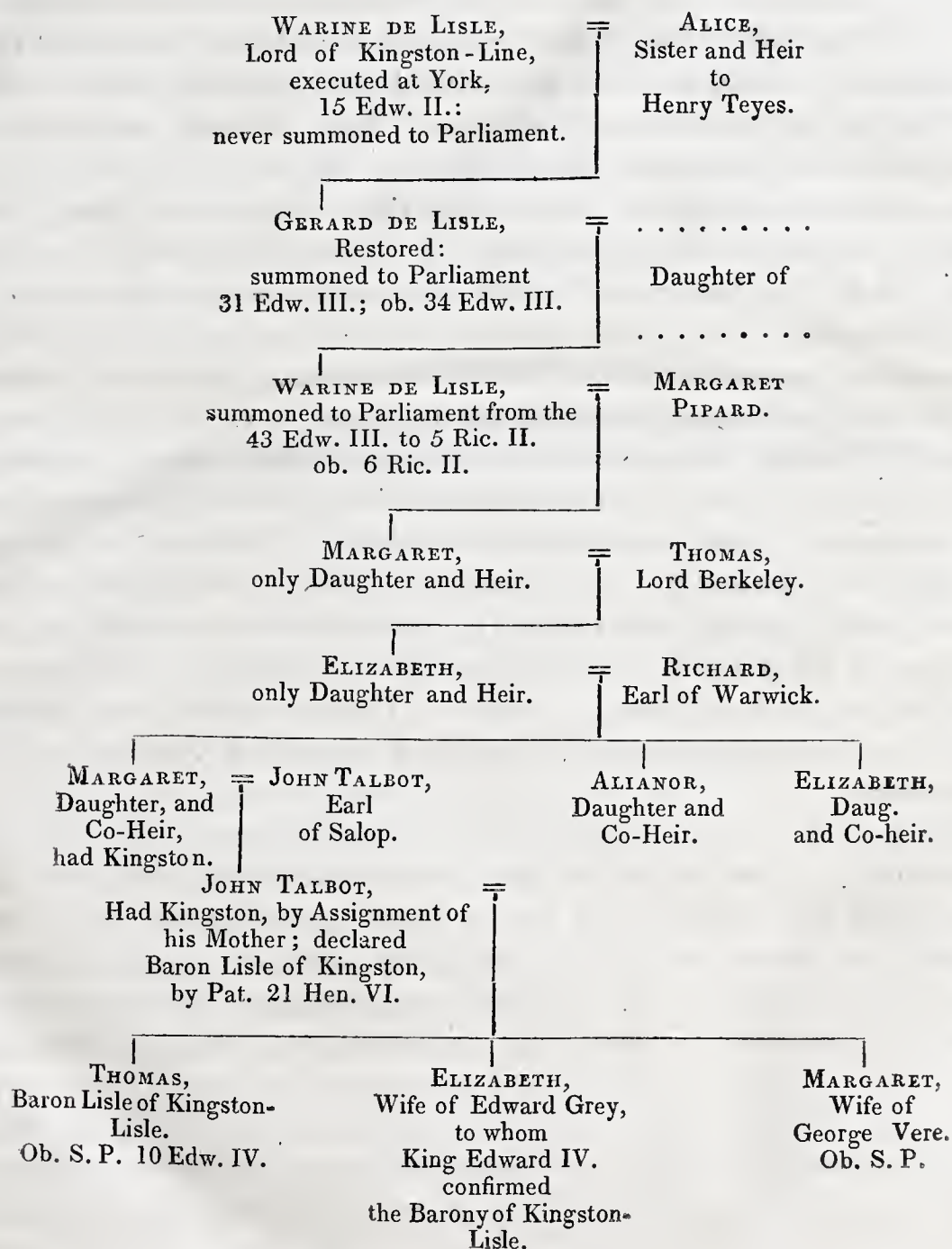
Under this extraordinary patent, John Talbot became lord Lisle. He was afterwards created viscount Lisle, to him and the heirs male of his body : he died leaving a son, Thomas, and two daughters. Thomas, the second baron and viscount, died 10 Edw. IV., without issue, and *the manor descended to his two sisters, as co-heirs* : of these, Elizabeth married Edward Grey, and Margaret married George Vere, but died without issue, whereby Elizabeth became his sole heiress, and seised in fee of the manor of Kingston-Lisle. Of this, her husband, by the curtesy, was intitled to a possession for life, and accordingly Edward IV., by letters patent, in the 15th of his reign, reciting to the effect of the patent granted by Henry VI. to John Talbot, recognised the right to the dignity in Edward Grey, and the heirs of his body by the said Elizabeth his wife, and confirmed the same nearly in the words of the patent of king Henry to John Talbot.

On this patent it may not be irrelevant to remark, that if seisin of the manor gave the dignity, the subsequent grant of the king appears to have been unnecessary.

* 1 Inst.
27. a. ante,
§ 45.

Chief-justice Coke says*, that the letters patent of Henry VI. to John Talbot, that *he and his heirs, lords of the manor of Kingston-Lisle*, should be thenceforth barons and lords Lisle, was *a fee simple qualified in the dignity*, determinable upon his or their ceasing to be lords of the said manor. The manor is now in the hands of an alienee, a stranger in blood, whose pretensions (if any) must be grounded on the term *assignatis suis* in Talbot's patent. If a conjecture may be hazarded on the meaning of the said words, it would suggest, that there was no intention that the grantee should be at liberty to *assign generally*, and thereby *create a stranger* a baron of the realm ; but that he might assign

in a *qualified sense*, such as, to give the manor to a *collateral male heir*, in preference to a *female heir general*. The heirs still remain—the dominion is gone—and they are *disennobled*.



MARMYUN OF SCRIVELSBY.

This is a barony which, of all those which have been considered to be founded on tenure, appears to have the most evidential pretensions thereto.

When the conqueror came into England, it is sufficiently authenticated that he was accompanied by divers earls and barons, of Normandy, and other provinces of France. As these persons were noble in their own country, the lands which were granted to them in England, cannot be imagined to have been given to hold upon conditions to render them of inferior rank. Among those eminent persons, was one of the name of Marmyun, of whose family and descent, sir William Dugdale has written so elaborate an account, as well in his baronage, as in his antiquities of Warwickshire, that it is not necessary to expatiate upon it here. Suffice it to say, that in Normandy, the Marmyun barony of Fontnay, was holden by the service of being champions to the dukes of Normandy*, on the day of their inauguration^(°). In England, their barony was the manor and lordship of Scrivelsby, in the county of Lincoln, granted to be holden *per baroniam*, and *grand serjeanty*, by the office of champion to the kings of England, on the day of their coronation. These consimilar services may be deemed to co-patrialise the dignity of the lord of Fontnay, and of Scrivelsby.

* Topogra.
V. I. p. 479.
By Egerton
Brydges.

In immediate descent from the first Grantee Marmyun, was Philip de Marmyun, who was one of the great barons who adhered to Henry III. during the barons' wars; and was of such high estimation, that, upon surrender of the castle of Kenilworth, he was appointed governor, by the king. He died 20 Edw. I. leaving four daughters, his co-heiresses, whereof three were by a former wife; and Joane, the youngest, (then not

(°) Of the name of Fontnay, are several places in the provinces of France; but Fontnay, near Caen, in Normandy, to this day, for the sake of distinction, preserves the name of *Fontnay Le Marmyun*, (Gazetteer of France.)

nine years old), by his last wife. This Joane, on the partition of the inheritance with her sisters, had allotted to her the entirety of the manor of Scrivelsby, the caput baroniæ of her father. This allotment appears to have been made under a law at that time extant, and which arose *ex prerogativo regis*, whereof, in the controversy on the Abergavenny claim*, it was cited from Fitz-Herbert, *viz.* †—"If a baron died without any other heir than daughters, and the eldest should be married in the life-time of the father, the king had the marriage of the youngest, to whose husband he could grant the whole inheritance at his pleasure, &c." The said Joane was twice married, first to Thomas de Ludlow; and secondly, to Henry Hilary; by the former she had a son, Thomas, whose grand-daughter and heir, Margaret, became the wife of sir John Dymoke, knt. who, upon the death of Henry Hilary, second husband of Joane Marmyun, (before mentioned) in 23 of Edw. III., had livery ‡ of the manor of Scrivelsby, which, in the record, is stated to be holden of the king in capite, by *Grand Serjeanty*, and the office of king's champion.

* Collins's
Parl. Prece.
p. 112.

† Tit. Præsc.
3 Hen. III.
N. 56.

‡ Originalia,
23 Edw. III.
Rot. 4.

From this period to the present, the said manor has continued in the family of Dymoke, descended from the said sir John Dymoke, through the heiress of Marmyun, and the office of king's champion has been executed at every royal coronation, from that of Rich. II. to George IV., both inclusive, by a Dymoke.

Having thus far traced the descent of the baronial territory, from Philip Lord Marmyun, to the now possessor of this splendid inheritance, it remains to show, on what grounds the claim to the peerage dignity may be assumed to be derivative from the tenure, and intitle the owner, at this distance of time, to a writ of summons to parliament, in the character of a baron of the realm.

On the presumption, that before the 49 Hen. III. all baronies had their parliamentary right invested in the tenure of their lands, it is to be considered how far Scrivelsby was a tenure to which such right was attached. By records innumerable, it appears that the manor of Scrivelsby was holden by *grand serjeanty*; this service, according to the doctrine of serjeant Doddridge, and the admissions of the lords' committees in their peerage

reports, was a distinguishing feature of those tenants in capite of the crown, who, under the appellation of barons, constituted the legislative assembly of the country, and may be esteemed the *majores barones*, designated in the Runnimeade charter of king John.

* Inq. ad
Quod. Dam.
13 Edw. I.
N. 133.

By an inquisition, *ad quod damnum**, taken 13 Edw. I., the jurors certified that Philip de Marmyun then held the manor of Scrivelsby by the same services as his ancestors had done in the time of king John; and by an inquisition, *post mortem*, taken on the decease of the said Philip de Marmyun†, it was found, that he died seized (*inter alia*) of the castle of Tamworth, in the county of Warwick, holden in capite by *knight's service*, to find three men for the wars of Wales, at his own expence for forty days; and that he held the *manor of Scrivelsby*, in Lincolnshire, *per baroniam*. In this return of the jurors, the distinction between the two tenures, deserves notice, as they clearly are viewed to have been of a degree, the one superior to the other.

† Esch. 20,
Edw. I.
N. 36.

‡ Plac. de
Quo Warr.
9 Edw. I.
Linc.

By the Quo Warranto rolls for the county of Lincoln, it is on record,‡ that Philip de Marmyun held the manor of Scrivelsby, in capite of the king, as of his crown, by the same service as his ancestors had done, time out of mind; that he claimed the right of gallows, and of using other royalties, which, according to Spelman, denoted a baron of the realm. Also, that he paid a quit-rent of one mark, which, from that time, has regularly been continued to be paid to the king's exchequer, up to this day.

§ Claus. Rot.
45 Hen. III.
M.3. Dorso.

In very many writs of summons to the wars, his name is on the clause rolls, among those of the earls and other great barons. By a very particular writ of 45 Hen. III. §, he is summoned to attend the king at London, "*pro quibusdam urgentibus negotiis personam nostram specialiter, et statum coronæ nostræ contingentibus*." This summons, which appears to be for the purpose of consultation and advice, is the only one prior to 49 Hen. III., where the exemplar writ has the consimilia of names, as indicative of the persons summoned, being convened to meet in parliament for deliberation on business, as well urgently affecting the king's person, as the state of the crown, or rather kingdom. In 42 Hen. III. he was amerced *as a baron* ||, on which occasion, had he been of subordinate de-

|| Dugd. &
Madox's
Bar. Angl.

gree, he might have objected to the quantum of amercement; as the amount was according to the dignity of the offending party^(p).

Although between the aforesaid writ of summons of 45 Hen. III., and 20 Edw. I., when Philip de Marmyun died, there are not extant any writs showing what parliaments were called, or the persons summoned thereto; yet, as many parliaments must have assembled, and many enactments have been made, it may be inferred, that Philip de Marmyun was among the nobles who then were present; and this inference may be the more truly drawn, because, as this eminent person was made governor of Kenilworth castle, on the surrender of the rebel garrison, he must have stood very high in the royal confidence, exclusively of his official consequence as king's champion, and therefore was not likely to be one of those who would be excluded the king's councils, or be shorn of his baronial honour, under the pretended new modellation of the peerage, after the capture of Kenilworth.

From this brief recital of the evidence to prove that Philip de Marmyun was a lord of parliament, in his time, it is to be considered, whether he was so by personal creation, or by tenure of his manor of Scrivelsby?—If by the latter, how far the same rank, he possessed, has, along with the land, devolved to the present owner?—No patents, nor writs of summons of creation, have ever been asserted to have been made prior to 49 Hen. III., when the persons then summoned, were more the king's enemies than his friends, for they (for the greater part of them) were omitted; but Philip de Marmyun was a baron before 49 Hen. III., and he was a baron at the period of his decease. Whatever the barony then was in him, may be concluded still to enure, and to have passed with the caput baroniæ to his daughter Joane: from her, unto her descendants, the same has continued without forfeiture to the crown, or inter-possession of any other party, as a stranger in blood. The coronation service has been constantly performed, the quit-rent paid, the baronial relief discharged, even up to the suppression

(p) The 2 Edw. II. on the complaint of Joane de Bohun, of Midhurst, that she was assessed as a baroness, though she held nothing by barony; she obtained a writ to the treasurer and barons of the exchequer, that if she was amerced as a baroness and did *not hold per baroniam*, she should be relieved.—Rot. Parl. V. I. p. 273.

*12 Car. 2.
sect. 11.

of the court of livery and wards*, when the Act which made that suppression, contained a provision, *viz.* “*that nothing therein shall infringe or hurt any title of honour, fædal or other, by which any person had, or might have a right to sit in the lords’ house of parliament, as to his or their title of honour, or sitting in parliament, and the privilege belonging to them as peers.*”

Under the presumption, that the office of king’s champion was first granted to a person of the degree of a baron, and that the said office was the tenure of the baronial estate, it follows, that the rank and the office must be inseparable, for, were they separable, the office must then be performable by a person of less degree, than was intended by the original grant, and the king himself must be degraded in the person of one of his principal officers on the coronation day.

Impressed with a conviction, that the right of a baron of the realm was as much attached to his inheritance as the king’s championship, the late Mr. Champion Dymoke claimed the title of lord Marmyun, of Scrivelsby, as appurtenant to the said manor. This claim was referred to the attorney-general, and, on his report, was further referred by his Majesty to the house of lords.

The concluding words of Mr. Attorney-General’s (Garrow) report, are, “that the case involves points which do not appear to have been expressly decided, and that I cannot with all humility recommend it to your Majesty to comply with the prayer of the petition, without submitting it to the consideration of the house of peers, which is usual in cases of such great importance, and which may be supposed to admit of some doubt.”

The case was opened before the lords’ committees of privileges, the 28th May, 1816, by Mr. Serjeant Copley, leading counsel for the petitioner: after several hearings and adjournments, the claimant closed his evidence the 29th April, 1819; and the Attorney-General (Shepherd) was heard in reply the 11th of May following, after which, the committee adjourned further proceedings to the next sessions of parliament; in the interim, the claimant deceased, and nothing more has been done on the subject.

Upon the commencement of this claim, it seems that some noble lords

began to be afraid, that, if the principle were allowed, it would open the door to others, on the same ground ; though, upon looking into descents of property generally, it may be fairly believed, that very few, if any, persons are possessed of lands of such a tenure, so long enjoyed without forfeiture or alienation.

In the instance of Roos, or Ros of Hamlake, claimed by the duke of Rutland, it is to be remarked, that the manor of Hamlake had long before been out of his possession. And in the case of Fitz-Walter, the manor of Woodham-Walter was not in the possession of Cheeke, at the time he contended that the barony was by tenure. These examples are both very different to the circumstances of Marmyun of Scrivelsby. Had the duke of Rutland any pretension of claim, it would have been to the barony of *Albini of Belvoir* ; which barony by the heiress, passed to Ros, who, in several writs of summons to the wars, was called *Ros of Belvoir*.

The alarm, however, of the lords, as before mentioned, led to their appointment of several committees, to search into all matters touching the dignity of a peer of the realm, which may appear to be material for the information of the house on claims of such dignity, and to report the same to the house. The lords' committees, accordingly, have made several reports, and, as already noticed, have expressed the great difficulty attending their investigation ; the ambiguity of decisions on several claims ; and the extreme obscurity in which the whole subject (so far as relates to peerages not created by letters patent expressly declaratory of their course of descent) is unfortunately involved.

In one of these reports, the lords' committees state as follows ; *viz.* " From the evidence produced in support of the claim of the alledged dignity of baron Marmion of Scrivelsby, it appears, that Philip Marmion, from whom the title to the manor of Scrivelsby is derived, had four daughters his co-heirs, among whom his inheritance was divided, and that Scrivelsby was allotted on partition to the youngest daughter. It also appears from the same evidence, that the family of Frevile, descended from an elder daughter, had the castle of Tamworth, &c. If, therefore, evidence could be produced that Philip Marmion ever had had a writ of summons to parliament, the committee conceive it would have been important

to enquire whether, if that writ issued in consequence of a right derived from tenure, the tenure which gave the right was the tenure of Tamworth, or of any of the portions of the inheritance allotted to the three eldest daughters of Philip Marmion, or the tenure of Scrivelsby allotted to the youngest; and if all the shares formed part of the barony of Philip Marmion, on what ground a preference could be claimed by the possessor of Scrivelsby?"

In the absence of all proof of any parliamentary writs of summons being issued previously to the 23 Edw. I., to deny the sitting of any baron in the parliaments which must have been convened, and met in that space of time, would be to nullify the existence of the nobility of that age; and, while the writ of 45 Hen. III. before cited, is on record, there is, at least, *prima facie* evidence that Philip Marmyun was a baron of high degree, according to the law, by which barons were then considered to hold their dignities; that the distinction in which he was always noticed by the writs of summons to the wars, being addressed to him along with the earls specially, denotes that such distinction must have arisen from his *tenure of Scrivelsby, and not of Tamworth*; for, had it been from the latter, he was not intitled to a *special writ*, but to have been included among those who were usually summoned by a general *writ of service*. And again, his writ of summons of 45 Hen. III. to attend *at London*, could not be in consequence of the tenure of Tamworth, for that tenure was only to furnish three men for the wars of Wales for forty days; and, therefore, not compulsory for him to attend *anywhere else*. But the *tenure of Scrivelsby being per baroniam*, imposed a duty of *advice in council*, and *presence in the field, semper et ubicunque*.

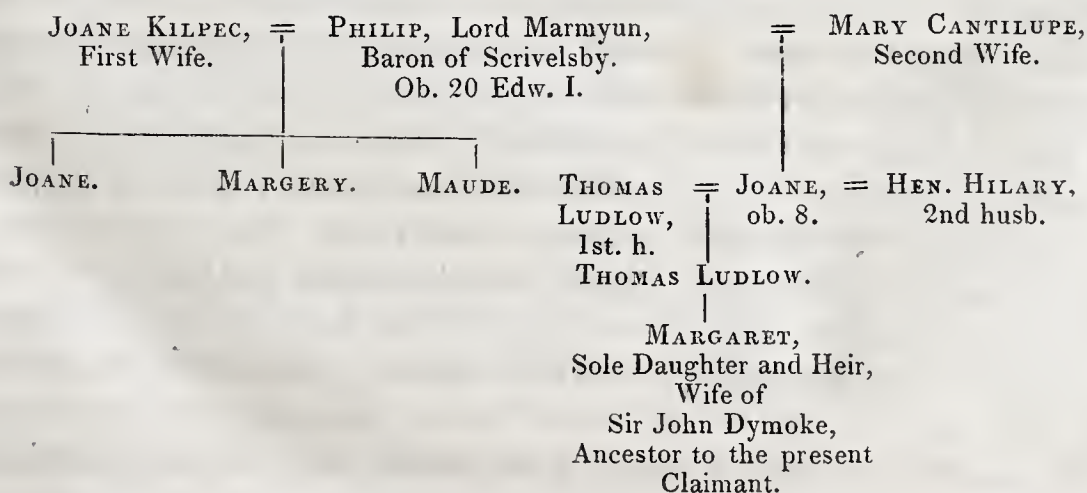
On the division of the inheritance, the youngest daughter *had Scrivelsby*, "*quasi integra baronia*;" the other daughters had no concern, or parts, in it; nor did they contribute to the payment of any share of the baronial relief, as the coparceners of Albini, earl of Arundel, did, on the partition of that inheritance.

* Mad. Exc.
c.14 s 1.n.1.

From a case stated by Madox*, it appears, that in the 35 Edw. I. William, son and heir of William de Braose, was attached to answer the king for his relief on the death of his father: he pretended he did not

know what was due from him for relief, but admitted that he held of the king in capite, the castle of Brembre in Sussex, and the manor of Gower in Wales ; that his ancestors did service only of one knight in the king's armies for the castle of Brembre, and that he held Gower of the gift, and feoffment of king John, by the service of one knight's fee "*pro omni servicio.*" It, however, was found in the book of knights' fees, that *Brembre was charged as an honour*, and that William the father, as well in the Exchequer as the king's other courts, had been constantly amerced and affeered as barons. William, the son, was therefore adjudged to be charged with relief for the castle of Brembre, as for *the relief of a barony* and for Gower, for the relief of one knight's fee : he accordingly *paid one hundred marks for Brembre, and one hundred shillings for Gower.*

This case may be deemed analogous to the distinction between Marmyun's baronial tenure of Scrivelsby, and his knights'-fees service of Tamworth. It is to be noted, that William de Braose, the father, had been summoned to parliament in the 25th and subsequent years of Edward I. ; as such, he was a lord of parliament : but it seems the relief was not payable for lands which he held *in the character of a baron*, but for lands *by the tenure whereof he was a baron*, and in that capacity summoned to parliament as a baron of the realm.—The material parts of the objections of the lords' committee being thus answered, the decision of this important claim must depend upon the supreme wisdom, discretion, and justice of the lords, who may attend on the day of final judgment.



THE BARONY OF WAHULL.

It has been asserted by the lords' committees, in various parts of their peerage reports, that the right of barony by tenure, *if it ever existed*, was completely exploded before the end of the reign of Edw. II. Now, had this been really the fact, it is strange that the crown, in the reign of Edward III., should have directed writs of summons to parliament to several abbots, whose only right to be summoned could arise from their tenures, according to the assize of Clarendon. But the abbots *denying their tenures*, claimed exception.

The inclination of the clergy for power has generally been considered very cupidinous ; and as such, it might be inferred, that they would sooner have embraced, than have opposed, the writ which was to place them in the rank of spiritual peers.

Though very few of the ancient baronial tenures were remaining entire, and unalienated into the hands of strangers, yet, had not the legislature believed there were rights, either extant or dormant, of such a nature, why should the saving-clause (before cited) in the Act of Suppression of the Court of Livery and Wards, have been inserted ? Even when the abolition of the court was contemplated, the 8 James I.*, it was observed, that, though the tenure in grand serjeanty were taken away, the service of the honour should be saved, wherein the tenures *per baroniam*, as it may concern bishops and barons, or men in parliament, should be considered.

* Jour.
Dom. Proc.
Vol. II.
p. 574.

In the reign of James I. sir Richard Chetwood, being seised of the manor, or castle, of Wahull or Woodhull (now called Odell), in Bedfordshire, claimed the dignity of a baron of the realm, founding his claim on his possession of the same, and its ancient tenure *per baroniam*. The claim is said to have been referred to the duke of Lennox, the lord Howard, and the earl of Nottingham, as commissioners. Their certificate was as follows ; *viz.*

“ According to your Majesty's direction, we have met and considered

the petition of Sir Richard Chetwode, knight, and find that the petition is true ; and that *before any usual calling of barons by writ, his ancestors were barons in their own right*, and were summoned to serve the kings in their wars with other barons, and were also summoned to parliament. And we conceive the discontinuance to have risen from the lords of the honour dying at one year of age, and the troubles of the time ensuing : but still the title of baron was allowed in all the reigns by the conveyances of their estates, and by pardon of alienation from the king's own officers, and 9*l.* per annum, being the ancient fee for the castle guard of Rockingham, was constantly paid, and is paid to this day ; so that, *though there has been a disuse*, yet the *right so fully appearing, which cannot die*, we have not seen nor heard of any one so much to be regarded in grace, and in consideration of so many knights' fees, held from the very time of the conquest, and by him held at this day, and a pedigree, both on the father and mother's side, proved by authentic records from the time of the Conqueror, (which, in such cases, are very rare,) we hold him worthy the honour of a baron, if your Majesty thinks fit."

This certificate certainly does not recommend that sir Richard should be summoned to parliament as a baron by tenure, notwithstanding it suggests the propriety of granting to him the dignity of a baron.

The journals of the house of lords are silent as to the petition of claim ; from which it may be inferred, that the reference made by his Majesty to certain persons, as commissioners, was similar to the practice of the present day, in referring such-like petitions to the previous consideration of the Attorney-general, for his opinion as to the merits thereof. Nothing, therefore, seems to have been done on this certificate, in the nature of an investigation before the lords' committees of privileges, so as to obtain their lordships' decision upon the question of right. But, if the several observations of the commissioners, *viz.* that the *petition is true* ; that, *before any usual calling of barons by writ, his ancestors were barons in their own right* ; that, *though there has been a disuse, yet the right so fully appearing, which cannot die, &c.*, are observations founded upon a correct impression of the subject, there seems to be, in the case of claim of *Marmyun of Scrivelsby*, most ample ground to believe that the claimant

has made good his pretensions ; or, at least, is worthy *the honour of a baron*.

Many objections are made by the lords in their peerage reports, on the serious consequences which might attend on the allowance of a claim by tenure at this day ; particularly such as might arise upon alienation of the baronial estate ; but, for what reasons these consequences should be more serious now than in former times, may be somewhat difficult to define ; inasmuch as, all decisions should be upon the question at issue, namely, *right, or no right*. All consequences as to alienation, such as *of lord to-day, and not to-morrow*, may be readily settled by a parliamentary enactment against the subsequent alienation of the land, when it has once been admitted to give right to dignity. It is beyond all doubt that the claims from tenure, dependant on the seisin of ancestral land, must be by far less numerous than those claims which are almost daily arising from their lordships' reiterated decisions, with regard to the descent of titles created by writ of summons. The benefit from one claim is to allow rank to persons of property : the evil from the other is, to allow rank to persons who may not have property to sustain it.

*Third Rep.
p. 236.

† Report,
p. 397.

The principal inconvenience anticipated by the lords' committees (before mentioned), discloses itself in one part of their report*, that *dignities by tenure, must, on principle, have precedence of those who now enjoy the dignity of peerage, but whose titles can only be founded on the evidence of writs (or patents) now remaining on record*. And again, in another part†, *viz. That the existence of such a right, as inherent to land, would supersede the discretion of the crown in selecting persons, on whom it might be thought fit to confer the dignity of peer of the realm, &c.*

Before closing this dissertation, it may not be deviating too far from the subject to observe, that the right incident to the tenure of lord, bears some resemblance to the right of a bishop claiming also to be a lord of parliament. The dignity of a bishop, simply, is merely personal ; but the right of a bishop to be a lord of parliament, is in the nature of a franchise annexed to the temporalities of his see : his dignity as a bishop is spiritual ; his franchise of a lord of parliament is temporal, and arises from the possession of the temporalities of his see. He is a bishop from his conse-

cration ; but he is not a lord of parliament until invested with the temporalities of the see, to which he is promoted, and till then he cannot have a writ of summons to take his seat in parliament—the right thereto being attached to the temporalities, and not inherent in the spiritual dignity of the bishop. When translated from one see to another, his seat in parliament ceases, in consequence of his cession of that see, by his translation to another ; and he does not become intitled to his seat again until invested with the temporalities of the new see, to which he has been translated, and receives a new writ of summons by the style of his new dignity. So, if any person is now intitled to a writ of summons to parliament, by virtue of tenure of land, he must claim that writ, as a franchise appurtenant to that land.

TENURE PERVERTED TO A PERSONALTY,

The arbitrary and mercenary conduct of the monarchs of ancient times, especially when they wanted money, and had to seek a cause for extorting it, led the great barons by tenure to endeavour to evade these vexatious proceedings.

Barony, by tenure, was both burthensome in point of service, and expensive in point of rank ; particularly, as amerciements, for often pretended offences, were, so far as related to them, of an exorbitant quantum. By clauses in the great charter of John, which were also in those of Hen. III. and Edw. I., it is provided, *viz.* “ *comites et barones non amercientur nisi per pares suos,*” all other persons being to be amerced, “ *per sacramentum proborum et legalium hominum de visneto.*”

The dignity of their rank being thus defined, the proof depended upon the nature of their tenure : and thus divers barons, as Furnival and Braose, though their ancestors had been summoned to parliament by special writ, did not consider that they were by such writs *created barons*, but that the said writs were appurtenant to the tenure of their lands, and, therefore, to avoid a fine in the character of a baron, or to extenuate the amount of relief, they pleaded they did not hold any lands of the king *by barony*. If

the writ was creative, and not a franchise attached to the tenure, the record of the writ would have been evidence of barony.

The effect of charging persons holding by barony with amerciaments and reliefs, *as barons*, induced a very general disposition to sub-infeudation, and this sub-division at length became so minute, that amercing of the multitude, who held small parcels of land by parts of a barony, would have been grossly oppressive, and probably was eventually found to be so, and at last abandoned without any express legislative provision on the subject. Licence for the alienation of crown tenures being a branch of the royal revenue, was, no doubt, then readily obtained ; and it answered two purposes : it brought money to the royal treasury, and it rendered less sturdy and powerful the baron who made the alienation.

Property thus frequently changing owners, the baron who had at first been summoned to parliament in virtue of his tenure, continued afterwards to be summoned as of his own person, and thus from a baron, *great in his own right*, he became perverted to *a baron of grace* ; and the emblem of territory was enveloped in a personal shadow.

OF DIGNITIES BY WRIT.

Selden observes, that, in consequence of the practice of summoning persons to parliament, who did not hold *per baroniam*, barons became divided into two kinds ; *viz.* barons by writ and tenure, and barons by writ only. Barons by writ and tenure were such as, having possession of their ancient baronies, were called by several writs to parliament, according to the stipulation made in king John's Magna Charta, respecting the *barones majores*. Barons, by writ only, were such as were called by a like writ of summons, although they had no possessions of the description of land baronies. And sir William Blackstone* observes, that, in consequence of this practice, actual proof of a tenure by barony became no longer necessary to constitute such a person a lord of parliament ; but the record of the writ of summons, to him or his ancestors, was admitted as sufficient evidence of the fact.

* 1 Comm.
p. 400.

A writ of summons of this nature has not the effect of conferring a dignity on the person summoned, until he has actually taken his seat in parliament by virtue of the writ ; so that, where the party was summoned and died before the meeting of parliament, it was held that he was not a peer.

In the parliament holden 8 Jac. I., a question* arose, whether Edward Nevill, who was called by writ to parliament the 2 & 3 queen Mary, and died before that parliament met, was a baron or not. It was resolved by the lord Chancellor, the two chief justices, chief baron, and divers other justices, there present, “ That the direction and delivery of the writ did not make him a baron, or noble, until he came to parliament, and there sate accordingly, to the commandment of the writ ; for, until that, the writ did not take its effect. And, in 39 Hen. VI. he is called a peer of parliament, which he cannot be until he sits in parliament ; and he cannot be of the parliament until the parliament begin.”

* 12Rep.78.
1 Inst. 16.b.

“ And forasmuch as he hath been made a peer of parliament, by writ, (by which implicitly he is a baron,) the writ hath not its operation and effect until he sit in parliament, there to consult with the king and the other nobles of the realm ; which command, by his supersedeas, may be countermanded ; or the said Edward Nevill might have excused himself to the king, or he might have waived it, and submitted to his fine, as one who is distrained to be a knight, or one learned in the law is called to be a serjeant : the writ cannot make him a knight, or a serjeant. And when one is called by writ to parliament, the order is, that he be apparelled in his parliament robes ; and his writ is openly read in the upper house, and he is brought into his place by two lords of parliament, and then he is adjudged in law *inter pares regni*.”

The proof of a sitting in parliament under the writ of summons, must be by the records of parliament ; for chief-justice Coke says†, “ If issue be joined in any action, whether a person be a baron, &c. or no, it shall not be tried by a jury, but by the record of parliament.

† 1 Inst.
16. b.

In the case‡ of Norborne Berkeley, esq. claiming to be one of the co-heirs of the ancient barony of Botetourt, created by writ 1 Edw. II.,

‡ Coram.
Dom. Proc.

the proofs of the sitting consisted of antient records of parliament ; and the following observation on that evidence are stated in the case which is signed by the honourable Charles Yorke ; *viz.* “ If an objection can be framed to these records, as evidence of a sitting in parliament, such objection must be taken either to the competency or to the effect of such evidence : an objection to the competency of the evidence can only take its rise from its being usual in claims of this nature, to prove the sitting by the journals of the house of lords ; from whence it may possibly be inferred that no other evidence is admissible to prove a sitting in parliament.”

Answer 1st.—“ It has never been laid down, that the sitting in parliament must be proved by the journals of the house of lords ; but all the authorities agree in establishing this rule, that the sitting must be proved by the records of parliament. The house of lords has, in questions of this nature, given credit to their journals, where a sitting could be proved by them. But that practice, which seems rather an indulgence to the claimant, can never be construed to establish the authority of the journals above the records : for, in strictness, journals are not records, but remembrances for form of proceeding to the record ; they are not of necessity, neither have they always been ; they are not any record, but notes and memorials for the clerks to perfect and enter the records. But the evidence here stated, is that of the records of parliament ; the first record being strictly an act of parliament, and the others, full and complete records of transactions in parliament ; all entered upon the proper rolls, and produced from the public archives. It is, therefore, evidence, not only of an equal, but, in most cases, of a superior authority to the journals ; and in this question, it is strictly and properly that evidence, which the law requires to support the inheritance of a peerage.”

Answer 2nd.—“ The state of the journals is such, that this objection could not be allowed without great danger to the ancient baronies ; there are no journals before the reign of Hen. VIII., nor are they regularly preserved since that reign ; an ancient letter prefixed to the journal book of Hen. VIII. intimates, that several journals were taken away and suppressed by Cardinal Wolsey. It does not seem reasonable that either this accident,

or the neglect of a clerk to the journals, should be of any prejudice to the nobility in the inheritance of their honours; and yet if no barony could be claimed without proof of a sitting by the journals, all those ancient baronies which have been united with higher honours before the reign of Hen. VIII., or during those years of which the journals have been suppressed, must be lost."

Answer 3d.—"Baronies have, in fact, been allowed, though no sitting could have been proved by the journals. In the case of the barony of Ruthyn*, 1640, the claim to that barony was allowed, upon great deli-

* i. e. Grey,
of Ruthyn.

beration, and very accurate enquiry; though it is evident, no sitting could have been proved by the journals, because there was no person summoned under that title, from the second year of Edw. IV.; the lord Grey, of Ruthyn, being soon afterwards created earl of Kent.

"The barony of Moubray was revived without objection, in favour of Henry, eldest son of the earl of Arundel, though no person had been summoned under that title from 39 Edw. III. (^q). Algernon, duke of Somerset, took his seat in the house of peers, as baron Percy, upon the death of his mother, in 1722, without objection (^r), though no sitting could have been shewn from the journals, no person having sat in right of the old barony of Percy, from 50 Edw. III.; and lastly, no sitting can be proved by the journals in the case of the barony of Le Despenser.

Although the writs of summons to parliament, whether addressed to persons who were not at the time peers of parliament, or to ancient barons, (for in both instances the writ is similar,) do not contain words of limitation to the heirs of the person summoned; C. I. Coke† was clearly of opinion, as a point settled, that where a person is summoned by writ, and takes his seat, *his blood* is ennobled to him, and his heirs lineal.

† 1 Inst.
9 C. 16. 6.

This doctrine, however, has been controverted by Mr. Prynne, Mr.

(^q) As the question of right by descent never came before the house for enquiry in a committee of privileges, no objection could be offered. The seat was taken in obedience to the king's writ, and not under an order of reference upon claim.

(^r) This case is similar to the preceding.

Elsynge, and Mr. West, the author of the "Enquiry into the Manner of Creating Peers," in which treatise it is observed *.

* Enquiry,
p. 32.

That in order to judge more clearly what operation in law this writ would anciently have, it must be considered, that it could not possibly be directed but to three sorts of persons; that is, either to such as were *tenants in capite per baroniam*, or to such as were only *tenants in capite by knight's service*, &c. or else to such as were *not the immediate tenants of the crown at all*.

As to the first of these, they were obliged to attend if summoned, and as they were already barons by their tenure, when they were in parliament, they had undoubtedly, in consequence of their writs, a right to vote in all questions whatsoever. As to the second, they also, by virtue of their oath of fealty, were obliged to attend, if summoned; but, then, when in parliament, it may be doubted, whether they had more than *a deliberate voice of counsellors*, or *if of voting*, whether only *pro hac vice*. As to the third, they were not by law obliged to obey the writ: but yet, if they voluntarily chose to attend, they, like the second, were in all probability no otherwise than as assistants to the house, or invested with any legislative privilege, further than as before observed, *pro hac vice*.

But, as the pretensions of these last described persons to the full rights of peerage, can only be by virtue of the writ that summons them to parliament, the question follows, how far the words of the writ are operative to confer upon the persons summoned by it, the right of barons *to them* and *their heirs*.

† Plowd.
333, 4,
Coke, 1 Rep.
48, 32,
3 Rep. 73,
74, &c.

† It is a known rule in law, that the king's grant cannot enure to two intents, especially when one of them is clearly expressed, and the other is not. Now if this writ of summons does create any person a baron or peer, it operates by way of grant, which must be by the implication of an intent, which is not only not expressed, but which is also perfectly foreign to that which is, and which therefore (at least in every thing but this writ) could be in law only intended; for the intention of the king, clearly expressed in the writ, is *not to create* the person summoned *a baron*, but only to require that he should attend upon a certain day *to consult and treat* with him con-

cerning the affairs of the nation (^s), which certainly may be done without his being a baron.

Whoever shall look into the writ, will find it personal to the man to whom it is directed, and that it is so far from creating him a *baron*, or hereditary peer of the realm, that neither the words *baron*, *barony*, nor *heirs*, are to be found in it. For the more clear explanation of the words of the writ, the following copies of several of them, both before and after the period of Magna Charta, and after *the perfection* of parliament, *as it is termed*, which is considered to have taken its commencement at the latter end of the reign of Henry III., and to have been established in that of Edward I., are here inserted.

Claus. Rot. 6 John, m. 3, p. Dors.

R. Ego salutem mandamus vobis rogantes quatenus omni occasione, et dilatione postposita sicut nos et honorem nostrum diligitis, sitis ad nos apud London die dominica proxime ante ascensionem domini nobiscum tractaturi de magnis et arduis negotiis nostris et communi regni nostri utilitate, quin super his quæ à rege Franciæ per nuntios nostros et suos nobis mandata sunt, unde per dei gratiam bonum speramus provenire, vestrum expedit habere consilium et aliorum magnatum terræ nostræ quos ad diem illum et locum fecimus convocari vos etiam ex parte nostra et vestra abbates et

(^s) These terms in the writ evidently point out a degree of distinction between those who were the established barons or peers of the realm, and those persons who, for their wisdom or experience, were summoned to give advice. For, the former, by their hereditary tenures, were interested in the welfare of the nation and the preservation of their privileges, and estates, in common with the crown itself, of whom they held them. They were hereditary lords and counsellors of the king; as such their writ was—*ex debito juris*. But the latter persons, summoned by the same writ, in the same words, and at the same time, appear to be required to give their attendance *ad tractandum*, not by virtue of any interest *ex hereditate*, which they had in the affairs of the nation, but by reason that the king deemed their skill and abilities useful to the purposes of advice and deliberation. As such, their writ was *ex gratiâ*, and in that respect to be considered, *pro hac vice*.—*Vide Lord Hollis's Remains; Second Letter, p. 21.*

priores, conventuales totius diocesis citari faciatis, ne concilio prædicto intersint, sicut diligunt nos et communem regni utilitatem.—T. &c.

(^t) This writ appears to be the most ancient upon record, as Selden writes *, and was addressed to the bishop of Salisbury. But the roll that has this writ, has no such note of *consimilia*, to the rest of the barons, as is usual in other close rolls where summons to parliament are entered: but from the body of the writ it appears, that the rest were summoned.

* Tit. Hon.
p. 708.

Claus. 26 Hen. III. Dors. m. 13.

Henricus, &c. venerabili in Christo patri Waltero Eboracensi Archiepiscopo Salutem. Mandamus vobis quatenus nos et honorem nostrum paritè et vestrum diligitis et in fide quâ nobis tenemini, omnibus aliis negotiis omissis, sitis ad nos apud London à die 5 Hilarii in xv. Dies ad tractandum nobiscum, una cum cæteris magnatibus nostris, quos similiter fecimus convocari, de arduis negotiis nostris, statum nostrum et totius regni nostris specialitèr tangentibus et hoc nullatenus omittatis.—T. me ipso apud Windlesoram xiv. Die Decembris.

This writ is subscribed with eodem modo scribitur omnibus Episcopis, Abbatibus, Comitibus et Baronibus.

Claus. 49 Hen. III. Dors. m. 11.

Henricus dei gratiâ Rex Angliæ Dom. Hybernæ et Dux Aquitaniæ, venerabili in Christo Patri R. eâdem gratiâ Episcopo Dunelm' Salutem. Cùm post gravia turbationum discrimina, dudum habita in regno nostro, chariss' filius Edw. primogenitus noster, pro pace in regno nostro assecurandâ et firmanda, obses traditus extitisset; et jam sedatâ (benedictus Deus) turbacone prædictâ super deliberationem ejusdem salubritèr providenda, et plenâ securitate, tranquillitate et pacis ad honorem Dei, et

(^t) Although this writ is the earliest to be found among the records, it is certain that the same form of convocation was in use before then, for, though the writ cannot be found, yet there is evidence * that Richard I. summoned a parliament to meet at Oxford, as, in the roll of accounts of the sheriff of London and Middlesex, it is thus mentioned †, viz. "*Laurentio Ostiario xx. Solidos ad deferendas Summonitiones Regis per Angliam, pro concilio convocando apud Oxunford, per Breve Regis.*"

* Rot. Mag.
5 Ric. 1.
M. Lond.
& Middx.
† Ibid.

utilitatem totius regni nostri firmandâ, et totalitèr complenda; de super quibusdam aliis regni nostri negotiis, quæ sine consilio vestro et aliorum prælatorum et magnatum nostrorum, nolumus expediri, cum eisdem tractatum habere nos oporteat: Vobis Mandamus, rogantes, in fide dilectione quibus nobis tenemini, quòd omni occasione postpositâ et negotiis aliis pretermisissis, sitis ad nos London' in octabis sancti Hillarii proximè futuris: nobiscum et cum predictis prælatis et magnatibus nostris, quos ibidem vocari fecimus, super præmissis tractaturi, et consilium impensuri: et hoc sicut nos et honorem nostrum et vestrum, necnon et communem Regni nostri tranquillitatem diligitis nullatenus omittatis. Teste Rege apud Wigorniam, 14 die Decembris.

Item in formâ prædictâ Mandatum est Comitibus et aliis Subscriptis Dat. apud Wodestock, 24 Die Decembris, *viz.* to five earls and eighteen barons only.

But the preceding exemplar writ to the bishop of Durham was *eodem modo*, addressed by consimilar ones to one hundred and twenty spiritual persons, bishops, abbots, priors, and deans.

Claus. 23 Edw. I. Dors. m. 9.

Rex dilecto et fideli suo Edmundo fratri suo, comiti Lancastriæ Sal^m. Quia super quibusdam arduis negotiis nos et regnum nostrum, ac vos cæterosque procures et magnates de eodem regno, tangentibus, quæ sine vestrâ et eorum præsentia nolumus expediri, parliamentum nostrum tenere, et vobiscum super his colloquium habere volumus, et tractatum; vobis mandamus in *fide et homagio* quibus nobis tenemini firmitèr injungentes quòd sitis ad nos apud Westm' primo die mensis Augusti proximo futuro, vel saltè m infra tertium diem subsequentem ad ultimum, nobiscum super dictis negotiis tractaturi et vestrum consilium impensuri, et hoc nullo modo omittatis. Teste meipso apud Album Monasterium, xxij die Junio, anno regni nostri xxij.

Per breve de privato sigillo-eodem modo, it was commanded by consimilar writs directed to ten earls and fifty-three others, whereof the heirs of not less than twenty-six are yet remaining.

The form of summons to the judges, &c. was—

Rex dilecto et fideli suo Gilberto de Thornton Sal^m. Quia super quibusdam arduis negotiis nos et regnum nostrum ac vos *cæterosque de consilio nostro* tangentibus quæ sine, &c. Ut suprà, vobis mandamus in *fide et dilectione* quibus nobis tenemini, &c. Ut supra in mandato comitum et baronum usque in finem.—Test. &c.

By this exemplar writ, the distinction between the one to the nobles, and the other to the judges, is made manifest. But in the following exemplar writ, by which the *peers and judges*, &c. were alike summoned, no such distinction appears.

Claus. 9 Edw. II. Dors. m. 22.

Rex dilecto consanguineo et fideli suo Thomæ comiti Lancast' salutem. Quia super diversis et arduis negotiis, &c. Mandamus *in fide et homagio* quibus nobis tenemini, firmitèr injungentes, quòd dictis die et loco omnibus prætermisissis *personaliter intersitis*, ibidem nobiscum et cum prælatis et *cæteris magnatibus et proceribus de regno nostro* prædicto super dictis negotiis tractaturi vestrumque consilium impensuri, et hoc nullatenus omittatis; teste rege apud; decimo sexto die Octobris.

* Claus.
illeorum,
Ann.

The writs to the succeeding parliaments of 11, 12, 13, & 14 Edw. II.* are similar as to summoning the peers, justices, and king's council, without distinction.

At the æra when the first of these writs bears date, it is certain that none but peers by tenure had existence: it is equally certain, that at the time when the second was issued, the baronage of the kingdom was not in its nature altered. At the period when the third was sent, to call together the parliament, summoned by Simon de Montfort in the king's name, it is manifest that it was to a partial number of the nobility; and that as such, whatever might have been the express words of the writ, no title of creation to any dignity could be derived therefrom, more than from the writs of summons, or patents, whereby any of the persons advanced to the rank of peers by Oliver Cromwell, were legally constituted hereditary barons of the realm.

With regard to the fourth writ of summons, which was addressed to divers persons who were not barons by tenure, as well as to divers others

who were ; it presents an extraordinary circumstance of difficulty to define, that if one description of persons summoned were hereditary peers, and the others not, by what sound argument it can be maintained that the *same writ*, in the *same words*, confirmed to the old baron his ancient right ; but, to the chevalier or commoner, conferred a new dignity.

It is agreed, that the king cannot by his letters patent create any man a peer, either for life or in tail, or in fee simple, without express words of creation in the patents for that purpose : it seems, therefore, reasonable and equally necessary, that special words of creation ought likewise to be inserted in the writ, or that otherwise the writ cannot operate so as to create an hereditary baron or peer,—such as, for instance, was adopted in the case of sir Henry de Bromflete, who being summoned to parliament 27 Hen. VI., this clause was inserted into his writ ; viz. “ *Volumus enim vos et hæredes vestros masculos de corpore vestro legitime exeuntes barones de Vescy existere.*” This writ has generally been supposed to have been the creation of a new barony : but it seems rather to have been a determination of the abeyance of the barony of Vescy*, which having fallen among the three co-heirs of Aton†, was now granted to Bromflete, derived from Anastasia the eldest co-heir, with a special limitation of descent to issue male, so as in default thereof to vest the reversion of the old barony in the representatives of the other two co-heirs.

* Banks's
Dorm. et
Ext. Bar.
Vol. II.

† Tit. Aton.

My lord chief-justice Coke says, in several places‡, that the writ of summons to parliament is unalterable, otherwise than by authority of parliament ; though (perhaps, if it was necessary) it might be shown, that till within the last three hundred years there scarcely ever was two of them together alike. And, indeed, he himself seems aware of this truth, for on another occasion he observes, that one of the differences between the writs to the lords, and those to the judges, was, that the writ to the lords run thus ; viz. “ *Quod intersitis nobiscum ac cum cæteris prælatiis, magnatibus, &c.*” And was peculiar to the peerage, the judges being only summoned : viz. “ *Quod intersitis nobiscum ac cum cæteris de consilio nostro, &c.* ; and yet that word *cæteris*, is not in the writ, which in Nevill's case he himself§ commends as excellently well drawn.

‡ 4 Inst. 10.
et Alibi.

§ 12 Rep.

Others have thought that the putting in, or leaving out, the word *cæteris*,

*Rot.Claus.
25 Edw. I.
Dors.

was the peculiar mark of difference ; yet, in 25 Edw. I.*, the judges were summoned by directly the same writ, with the barons of parliament, as such, if the writ of that date was creative of a peerage honour to one party, it appears that it ought, with equal propriety, to be effective to the other.

† Ibid.
1 Edw. II.
Dors. m.11.

‡ Dugd.
Summ.

In 1 Edw. II.†, after the writs to the barons, the same follow to above thirty other persons, as assistants, with this difference only, that the words *in fide et homagio*, are left out : the note‡, however, at the end of it, is remarkable ; viz. *Nota quòd in hac summonitione justitiarum ac alii de concilio domini regis, intermixti tunc cum baronibus*.

§ Ibid.

|| Ibid.

In divers other years, during the reigns of Edward II. and III., the same writs are directed§ to both barons and judges. To these, many other instances may be added|| ; it remains then only to remark, that, if the king's writ to the judges, contained in terms similar to the nobility, did not constitute them, or their heirs, peers of the realm ; the same writ directed to other persons, otherwise than the *tenants per baroniam*, could not create them peers either for life or with an inheritable fee.

¶ Ibid.

Now, if it be admitted for law, that the direction of a writ of summons to any person, with a sitting under it, renders him a peer of the realm, to hold to himself and his heirs, it follows, that every one to whom such writ was ever addressed, and especially where the same shall have been repeated in continuation to several parliaments, was thereby created a baron to him and his heirs, who had thenceforth a right to demand their writ of summons *ex debito justitiæ*. Yet, if the lists of summons¶ from 49 Hen. III. to 23 Edw. IV. be examined, there will be found the names of innumerable laymen, who have been summoned to parliament, some only once, others several times in succession ; yet these persons never seem to have imagined that they had acquired a degree of nobility in their own persons, transmissible to their issue general ; indeed, there is better reason to believe that a writ of summons was not at first considered to have been creative of an hereditary peerage ; and this opinion is greatly corroborated by the claim to the barony of Frescheville, hereafter mentioned.

** Hist.
Hen. II.
Vol. III.
p. 382.

Lord Lyttleton**, who studied the early part of our history with great attention, says, that the omission in summoning persons, who had been

called to parliament by writ, or their descendants, may, *in many cases*, be accounted for, from the frequent and necessary absence of many of the peers on the kings' service abroad, while the crown had great dominions, and almost perpetual wars on the continent; for, on such occasions, the omitting to summon them to parliament was no encroachment on their rights, but a proper exemption from a duty they could not perform. It might also have been done, not improperly according to the notion of those times, when the lands, that constituted a barony, were seised by the crown for any default or defect of service, during the life of the baron.

It should also be considered, that an attendance on parliament, at the period referred to, was burthensome, and that men were so far from being fond of coming thereto, that even those who were actually summoned, and by virtue of their *tenures per baroniam*, were obliged to attend, did so frequently absent themselves, that it was found necessary to pass an act of parliament, to enforce obedience to the summons; and, accordingly, it was enacted by 5 Ric. II.*, “ That if any person, which from henceforth shall have the said summons, be he archbishop, bishop, abbot, prior, duke, earl, or baron, and do absent himself, &c., he shall be amerced and otherwise punished, &c.” * Cap. 4.

It is no wonder, then, that it was common for persons, who were not considerable enough to dispute with the crown, upon their being either invested, or left out of the writ of summons; or who, though they might be summoned, were not very desirous of that honour, to do all that lay in their power to suppress so much as the very knowledge of their being tenants in capite per baroniam, and as such, bounden to give their attendance.

These circumstances evidently corroborate the argument, that the writ of summons was not originally deemed a creation of an hereditary peerage dignity; but, however strong these, with other points that might be cited, appear to be against the doctrine of sir Edward Coke, there can be no doubt†, that it was fully settled, when he wrote, that a writ of summons to parliament, and a sitting in pursuance thereof (except in the case of a spiritual person), operated as a creation of a dignity, and rendered it descendable to the lineal heirs male or female of the person first summoned: and this

† Cruise on Dignity.

* Journ.
Dom. Proc.

notion has been confirmed by so many subsequent decisions*, that it is not (probably) to be shaken.

† Journ.
Dom. Proc.
Vol. XIII.
p. 154.

The case of Frescheville is, however, deserving particular attention†. It arose just after a decision of the house of lords, as in the petition of the claimant is set forth. The petition was as follows ; *viz.*

“ To the King’s Most Excellent Majesty, &c. &c.

“ That, whereas your petitioner, as lineal heir male to Ralphe de Frescheville of Stavely, who had summons to parliament among the barons of the realm in the 25th of king Edward the First, hath been (through your Majesty’s special grace and favour) advanced to the title and dignity of a baron of this realm, by letters patent, bearing date the 16th of March, in the 16th year of your Majesty’s reign : and whereas, upon a solemn debate in the house of peers, happening this present parliament, in the case of the lady Katherine O’Brien, lineal heir to Gervase lord Clifton, it was resolved, ‘ *That the said Gervase Clifton being summoned to parliament by a special writ, bearing date the 9th of July, in the 6th year of the reign of your royal grandfather king James, and sitting in parliament accordingly, was a peer and baron of this realm, and his blood thereby ennobled ;*’ your petitioner therefore conceiving, that, by *the same reason*, the blood of his lineal ancestor, by that summons and sitting in parliament in the time of king Edward the First, being then ennobled, and there never having since been any attainder in his family, which might legally intercept his claim to the honour of his said ancestor, so that he hath a just right and title thereunto, most humbly desires that he may be admitted to the same place and precedence in this present parliament, and in all other future parliaments, and other public convocations of the peers of this realm, as his said ancestor Ralphe de Frescheville anciently had enjoyed.”

This petition was referred by his majesty to the Attorney-general, who made the following report thereon ; *viz.* “ I have examined the contents of this petition, and do find by a copy of the record attested by the keeper of your Majesty’s records within the Tower, that Ralphe de Frescheville was among other barons summoned by writ to the parliament held in the 25th year of the reign of king Edward the First. It also appears unto me, by several pedigrees of credit and antiquity, that the now lord Frescheville is

lineally descended, as heir, both general and male, from the said Ralphe de Freschville; but it doth not appear, by any evidence, that the said Ralphe, or any of his descendants (till your Majesty's creation of the now lord Frescheville) were ever summoned, or sat in parliament after the said parliament of 25 Edw. I. And, therefore, my humble opinion to your Majesty is, that you would be graciously pleased to refer the consideration of this petition to the peers now in parliament assembled."—(Signed) Wil. Jones. Dated 14 Feb. 1677.

The lords, on reference of this petition made to them by his Majesty, after hearing counsel for the petitioner, and the attorney-general for the king, resolved (without examining the truth of the pedigree asserted by the lord Frescheville) on the 6th of March, 1677*, *that they did not find sufficient ground to advise his Majesty to allow the claim of the petitioner.* * Ibid.

It does not clearly appear what were the grounds of this decision. It may be suggested, that, though Ralphe de Frescheville was summoned to parliament 25 Edw. I., it had not been proved that he sate therein. Also, that neither Ralph being again summoned, nor any of his descendants after him, during so very great a length of time, it might be presumed, that, whether he ever sate in parliament or not, it was not conceived at that time that a writ of summons, and even sitting under it, would have the effect attributed to such writs in later times, as in the instance of Clifton.

OF THE WRIT OF SUMMONS *JURE UXORIS*.

While dignities were annexed to the possession of particular lands, the husband of a woman having such lands was bounden to perform the services for which they were holden, and, among others, to attend the High Court of Parliament, so that he was entitled to the dignity during the joint lives of himself and his wife, as in several instances† among the ancient earldoms may be perceived.

But the first person mentioned by Dugdale, as summoned to parliament *jure uxoris* is Ralph Monthermer, by reason, as that author‡ relates, that he was seised in right of his wife (for term of her life,) of certain lands

† Mande-
vill, earl of
Essex and
Albemarle.
Plantaga-
net, earl
Warren and
Surrey;
cum aliis.

‡ Dugd.
Lists of
Summ. p.
570.

composing the earldoms of Gloucester and Hertford ; but when her son, the earl of Gloucester, came of age, he took his seat in parliament as earl, and Monthermer was thereafter only summoned to parliament as a baron.

* Collins's
Parl. Prec.

In the reign of Henry VIII. Mr. Wymbush having married a lady entitled to the barony of Taylboys^(u), who died before him without having had issue, a question arose, whether he ought to have the name of lord Taylboys in right of his wife, or not. On this occasion, after a solemn deliberation*, it was asserted that the husband who never had issue, had no interest in law in his wife's inheritance ; and, accordingly, the king (Henry VIII.), who was present on the argument, for resolution, said, " That Mr. Wymbush nor any other, from thenceforth, should use the style of his wife's dignity, but such as by the curtesy of England had right to her possessions for term of life."

On comparing, however, the reason attributed to Monthermer's summons to parliament with that of Charles Somerset, as lord Herbert, there appears a great difference between the cause and the rule laid down : for Monthermer was earl of Gloucester *ratione possessionis uxoris suæ*. But the lord Herbert could not be a baron *ratione eadem*, because the barony of his wife's father was created by writ of personal summons, and as such could not be cast upon him *in her right*.

Chief-justice Coke asserts, "*That where no possession can be had, no curtesy can prevail;*" ergo, there can be no curtesy of a personal honour, as a barony by writ : for the custom applied solely to the ancient territorial barony.

Mr. Hargrave has observed, that he could not learn that there had been any claims of dignities by curtesy since lord chief-justice Coke's time ; and from the want of modern instances of such claims, as well as from late creations, whereby women were made peeresses, in order that the families of their husbands might have titles, and yet the husbands themselves

(^u) This barony is one of those omitted by Dugdale in his Peerage History. It was created by writ of summons, and sitting under the same anno (21 Hen. VIII.), in the person of Gilbert Taylboys, of Kyne, in com. Linc., to the ancient feudal barony of which name he was the direct heir.

remain commoners ; it seemed as if the prevailing notion was against curtesy in titles. However, he had not yet discovered whether this great question had ever formally been settled by any judgment of the house of lords.

Indeed, from after lord Herbert's time to the present, the practice of summoning to parliament *jure uxoris* has ceased,—as the examples of Audley, Willoughby of Eresby, first in Bertie, (claimed and rejected* in 1580,) and last in Burrell, fully demonstrate. Indeed, it may be instanced in the cases of the late duke of Northumberland and the late Marquis of Townshend, that they respectively succeeded to the baronies of Percy and Ferrers of Chartley, upon the decease of their mothers, and in the life-time of their fathers ; which would not have been allowed, if their said fathers had been entitled to an estate by the curtesy in those dignities.

* Collins's
Parl. Prec.

Having thus descanted upon the custom which in former times prevailed, of the husbands sitting in parliament by virtue of their wives' feudal possessions, it may not be irrelevant to notice what information antiquity affords us, with respect to the share which females originally took in the great councils of the nation.

Plutarch says, that women had the prerogative to sit and deliberate in great councils, in cases relating to civil administration, and also in debates about peace and war.

Tacitus†, speaking of the Britons, says, *Sexum in imperiis non discernent*. And Cæsar says‡, the British women were made use of in court, in council, and in camp.

† In vitâ
Agricolæ.
‡ Comm.
117.

The ladies of birth and quality sat in council with the Saxon *witas* ; the abbess Hilda, as Bede§ writes, presided in an ecclesiastical synod.

§ Bede Lib.
3 cap. 25.
p. 135. Lib.
4 cap. 23, 4.
|| Chron.
Sax. 48.

In Wightred's great council at Beconcelde, A.D. 694||, the abbesses sat, and deliberated, and five of them signed the decrees of that council along with the king, bishops, and nobles.

In Ethelwolf's parliament at Winchester, A.D. 855, wherein the tenth part of the kingdom was given to the church, the law passed, says Ingulphus, ¶ “*Præsentibus et subscribentibus, archiepiscopis, et episcopis, Angliæ universis, nec non Benreddo rege Merciæ, et Edmundo East-Anglorum rege, abbatum et abbatissarum, ducum, comitum, procerumque*

¶ Savil. Edit.
Ingulph.
862.

totius terræ, aliorumque fidelium infinita multitudo, qui omnes regium chiragraphum laudaverunt, dignitates vero sua nomina subscripserunt."

King Edgar's charter to the abbey of Crowland, A.D. 961, was, with the consent of the nobles and abbesses who subscribed the same*.

* MS. pen.
lord keeper
Williams.

† Tit. Hon.
p. 729.

‡ Pat.
5 Edw. I.
Dors. 11, et
Rot. Scut.
ejusd. Ann.
m. 7.

In the time of Henry III.† and of Edward I. four abbesses had summons to parliament; viz. of Shaftsbury, Barking, St. Mary of Winchester, and of Wilton‡.

But the most memorable summons is that of 35 Edw. III., whereby divers countesses and baronesses were required to give their attendance, or send their proxies. This writ being so singular, the following copy thereof may not be considered unanalogous to the general subject.

Claus. 35 Edw. III. In Dors. m. 36.

" Rex dilecto sibi Mariæ comitissæ Norfolciæ Sal^m. Quia terra nostra Hiberniæ per invalescentes à diu Hibernicorum inimicorum nostrorum, incursus, propter impotentiam fidelium nostrorum habitantium in eâdem; et pro eo quod magnates et alii de regno nostro Angliæ terras in eâ habentes, commodum dictarum terrarum suarum ab eâdem terrâ capiunt et defensionem aliquam non faciunt, jam cautè vastitâtis et destructionis miserie subicitur; quod, nisi deus advertat et celerius succurrat eidem, ad totalem perditionem in proximo deducetur; per quod pro salvatione ejusdem ordinavimus; quod Leonellus comes Ultoniæ, filius noster charissimus, cum ingenti exercitu, ad terram prædictam, cum omni festinatione transmittetur: et quòd omnes magnates ac alii de dicto regno nostro terras in dictâ terrâ Hiberniæ habentes, quânto potentiùs potuerint, in comitivâ dicti filii nostri, proficiscentur, vel si debiles in corpore existant, loco suo alios sufficientes ibidem mittant pro repulsione dictorum inimicorum, et salvatione et defensione terrarum suarum, et succursu terræ supradictæ: et pro dicto negotio accelerando volumus eum magnatibus et aliis de eodem regno terras in dictâ terrâ Hiberniæ habentibus, *colloquim habere et tractatum*; vobis in fide et ligentiâ, quibus nobis tenemini, firmitèr injungendo mandamus; quòd omnibus aliis prætermisissis, aliquem vel aliquos de quibus confiditis apud Westm^m. mittatis; ità quòd sint ibidem in tribus septimanis Paschæ proximo futuro, ad loquendum nobiscum

et consilio nostro, super dicto negotio, et illud concernentibus; et ad faciendum et consentiendum nomine vestro super hoc quod ibidem contigerit ordinari, et interim homines vestros quanto potentiùs et decentiùs poteritis, ad arma paretis, ità quòd in vestri defectu progressus dicti filii nostri, et exercitus sui non retardetur; nec dicta terra amissionis periculo subjaceat ex hoc causâ; et hoc, sicut nos et honorem nostrum ac salvationem et defensionem terræ prædictæ diligitis, nullatenus omittatis, nos in cancellariam nostram de nominibus illorum, quos usque Westm' ex causâ prædictâ duxeritis destinandos reddentes ad diem prædictum distinctè et apertè certiores; et habeatis ibi tunc hoc breve. Teste rege apud Westm' xv die Martii."

Per ipsum regem et consilium.

Consimilia brevia diriguntur subscriptis sub eâdem datâ, de essendo coram rege et consilio suo ad dies subscriptos; *viz.*

Ad quindenam paschæ:

Mariæ comitessæ Norfolciæ,	Annæ Le Despenser,
Alianoræ comitessæ de Ormond.	

Ad tres septimanas paschæ:

Phillippæ Comitissæ de la March,	Margeriæ de Roos,
Johannæ Fitz-Wauter,	Matildæ comitissæ Oxon.
Agneti comitessæ Pembrochiæ,	Katarinæ comitissæ Atholl.
Mariæ de S. Paulo, comitis' Pembr.	

OF THE WRIT INTERMEDIATE OR ANTICIPATORY.

The practice of summoning to parliament the eldest sons of peers, by the titles of their fathers' baronies, commenced, as Dugdale states*, the 22 Edw. IV.; but seems to have come into more general use in the latter end of the seventeenth century. In these cases, the parties summoned

* List of Summons.

have been allowed to take their seat in parliament according to the precedency of the baronies, by the names of which they had summons^(v).

But, with regard to the nature and operation of this intermediate or anticipatory writ, it has been questioned, whether the summons, by which the eldest son of a peer is called to the upper house by the title of his father's barony, turns that honour into a barony in fee?

This question, again, has created another, as to the operation of a writ of summons to the eldest son of a peer by the name of a barony vested in his father, and that of a similar writ by the name of a barony not vested in his father.

* Lords' Journ.
Vol. XXV.
p. 11.
† Ibid. p. 112.

In the cases of the baronies of Strange* and Clifford, claimed by the duke of Athol, and by the earl of Burlington; the former in 1736, and the latter in 1737†. The claimants stated, that the baronies, by the names of which they were summoned, were *not then* vested in their fathers. But there can be no doubt that, in these instances, the crown issued its summons upon the idea, that the baronies, by the names of which the persons were summoned, were then vested in their fathers; which proving an erroneous notion, the lords were, in a certain degree, obliged to admit, that the writs issued under the mistake, operated as new creations.

Now, with respect to the first question, it has been decided, by the doctrine laid down and adopted by the house of lords, in the following modern cases; *viz.*

King James I., by his letters patent, dated 13th May, 1603, created Sir Robert Sydney, knight, lord Sydney of Penshurst, to hold to him and the heirs male of his body, and afterwards advanced him to the dignities of viscount Lisle and earl of Leicester. These titles descended to his grandson, Philip; whose eldest son, Robert, by curtesy styled viscount Lisle, was, in the 1st of Will. & Mary, summoned to parliament by writ,

(v) By the Statute of Precedency, the 31 Hen. III., it is settled, that the eldest sons of dukes, marquisses, or earls, have precedence before all barons in every public procession and solemnity; as such, it appears a mere moderating measure, to give them by summons a voice in parliament, with the privileges thereunto belonging, as, excepting those points of distinction, they were previously entitled to all others appertaining to their nobility of birth.

and sate and voted by the title of lord Sydney of Penshurst, in the lifetime of his father. These titles descended to John Sydney, the son of the said Robert, which John died without issue, leaving his nieces, the daughters of his next brother, Thomas Sydney; *viz.* Mary and Elizabeth Sydney, his *heirs general*, and Joceline, his youngest brother, his *heir male*, who became earl of Leicester, and died, as it is said, without issue^(w); whereby the titles created by the letters patent of James I. became extinct.

Upon the death of Mary Sydney, without issue, Elizabeth Sydney, her sister (who had married Mr. Perry), claimed the barony of Penshurst, as sole heir of Robert Sydney, who was summoned to parliament by writ, as before mentioned, the 1st of Will. & Mary.

Mr. Wallace, the Attorney-general, in his report, stated that the petitioner claimed the barony of Sydney of Penshurst, as being the sole heir general of the body of Robert Sydney, who was called to parliament by writ, in *vitâ patris*, upon a supposition that the effect and operation of the writ of summons to parliament without letters patent, and having taken his seat in parliament, pursuant thereto, vested a title in him to the barony, descendable to his lineal heirs.

That a writ of summons to parliament, and a sitting in pursuance thereof, did, certainly, in general cases, ennoble the person and his descendants; but he conceived that the effect of a writ of summons to the eldest son of an earl or viscount, by the title of his father's barony, or to *the elder son of a baron*, who had two or more baronies, to one of his father's baronies, was to accelerate the succession of the son to the barony, which on his father's death would descend to him; and the extent of the inheritance depended upon the nature of his father's title to the barony, whether in fee, or in tail male.

(^w) He had a son John, whose legitimacy, with an analogical reference to the case of the Banbury claim some time since before the Lords' Committee of Privileges, affords matter of important consideration.—*Vide* the printed account of the trial at bar, in the court of C. B. 11th February, 1782: John Sydney, earl of Leicester, &c. demandant; and Elizabeth Perry, widow, tenant.

* Lords'
Journ.
Vol. IV. p.
35. Vol. XV.
p. 523.

That the usual manner of calling up the son of a peer in vitâ patris, was by writ of summons to the barony of the father; and the persons thus called had been constantly placed in the house of lords, according to the antiquity of their father's barony; although, since the statute 31 Hen. VIII. (c. 10.) for placing the lords, whereby the precedence of peers was fixed and established, the right to such precedence had at different times come under the consideration of the house*; and, although it did not appear that the house had determined the point, yet it was highly probable that the lords had satisfied themselves, that the eldest sons of peers called up by writ into their father's baronies, were entitled to the same precedence and rights, which they would have been entitled to, if they had succeeded to the same by descent; and that the calling them up by writ in their father's lifetime, only accelerated the possession.

That he was of opinion, that the effect of the writ of summons to Robert Sydney (commonly called viscount Lisle) to his father's barony, gave to him the like inheritance his father had in the barony, which was restrained to heirs male; and that the petitioner was not, as heir general, entitled to the barony. But as the case appeared anomalous, and never to have been precisely determined, he thought it advisable to refer it to the house of peers.

The case was referred accordingly, and after having been fully heard, the house of lords resolved, *That the claimant had no right, in consequence of her grandfather's summons and sitting.*

After this solemn determination by the High Court of Parliament, the proper tribunal for hearing and adjudicating such questions, it certainly is the duty of every one to bow to so great an authority; but, nevertheless, there are some points which seem to occur in opposition to the doctrine embraced by the decision of the house, which now can only be introduced (with the utmost deference) for the sake of argument.

The question has been, whether a barony in fee tail male was, by the writ, turned into a barony in fee tail general? To this it is answered, that the writ is nothing more than simply anticipating the death of the father as to his barony only.

But by what power can the writ divest the father of his barony in favour of his son, though even the eldest, for the maxim of the law is, *Nemo est hæres viventis?*

Does the father surrender his barony into the hands of the king? If so, and he has a new grant in favour of his son, the summons becomes, as it would purport, a writ of creation to a new dignity. But, if the law admits of a surrender or conveyance of the barony from the father, the same principle might carry the surrender for the benefit of a second, third, or any other son, and thereby give the father (with the favour of the crown) an opportunity of introducing into the house of peers as many lords as he had baronies vested in him. With regard, however, to the power of surrendering an honour, so as to extinguish it, or alter the course of descent, the decision made* in the lord Purbeck's case expressly declared, that *no fine or recovery or surrender could be made of an honour*. But this resolution may probably not be considered to go the length of declaring, that the father may not surrender his barony to his son and heir.

* Lords' Journ.
anno. 1678.

Yet, to come a little nearer to the question, the following extreme case may be suggested.

George Finch is by letters patent created baron of Putney, with limitation to him and the issue male of his body. He has issue a son William, which William succeeds his father, and is advanced to the earldom of Wandsworth, with the like limitation to his issue male. He has issue two sons, Frederick and Thomas; of these, the eldest son, Frederick, styled by curtesy lord Putney, is, in his father's lifetime, called up by writ to the house of peers by the name of that barony. After this, his father, the earl of Wandsworth, is attainted for high treason, and his honours forfeited by reason of his having been tried, found guilty, and executed.

Upon the decease of the earl, it is certain that his son, the lord Putney, would not succeed to the earldom, but what would become of the barony of Putney? The son, it is true, would be undoubtedly in the possession thereof: but that possession would be by virtue of his anticipatory writ of summons, and not by reason of his being heir to his father, for the father's blood would, by the attainder, be corrupted, and his issue incapable of inheriting any thing from him.

It being then admitted, that the son could not take the honour *by descent* from his father, it follows, that he can only hold the barony in possession, *per formam doni*, which being then derived *à summonitione sed non patenti*, the operation of the writ must be the creation of a new barony, and that barony descendable to heirs general, contrary to the course of limitation of the previous barony.

Now, supposing the old barony to have been kept alive in consequence of the implied surrender of the father, previous to his attainder; the question then arises, whether the said barony would, upon the death of the lord Putney without issue male, descend upon Thomas, his surviving brother and heir male?

In the case of the lord Clifford of Lanesborough, eldest son of the earl of Burlington, who was called by writ of summons into that his father's barony, but died in the lifetime of the said earl his father, leaving Charles his son and heir, a question arose, whether, if a lord called by writ into his father's barony, shall happen to die in the lifetime of his father, the son of that father so called be a peer, and hath right to demand his writ of summons? The lord President reported from the Lords' Committee of Privileges, to whom it was referred to consider, "That their lordships find no precedent in this case." A debate arising, upon the question, the house at length resolved,* "That the said Charles lord Clifford hath right to a writ of summons to Parliament, as lord Clifford of Lanesborough:" and he took his seat accordingly.

* Lords' Journ.
Vol. XXV.
p. 11. 39.

† Ibid.

The same point was determined in the case of lord Hervey†.

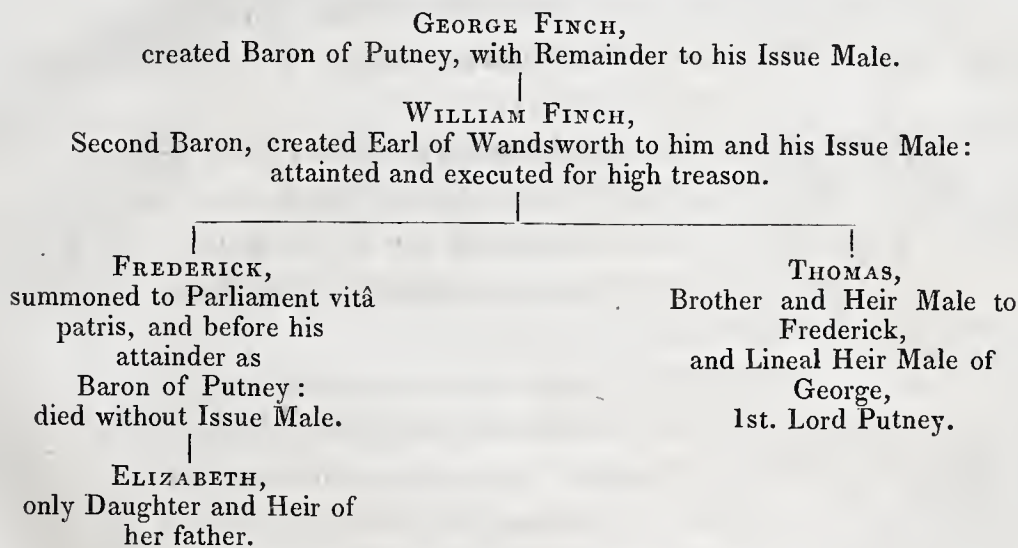
This determination, however, which declares their lordships' opinion, that the son of the party so summoned *vitâ patris*, and dying in the lifetime of his father, would be entitled to succeed his departed father; yet does not go the length of deciding that the brother of the party so summoned, in case he had died without issue, would have been similarly entitled to his writ of summons. Ergò, to return to the Putney case, it seems, that if that baron died S.P.M., his brother would have no right to succeed him in the barony: and he could not make himself heir to his father, inasmuch as the corruption of blood by his father's attainder would be an impediment.

Thus then, the effect of the writ of summons, in the instance cited, must

appear to have two contrary operations: the one that it preserved, notwithstanding the attainder, the descent of the barony in the male line of the person summoned;—the other, that, though the barony with its ancient precedency was preserved, yet it was not rendered descendable to the collateral heir male, who might eventually become the lineal heir male of the person first ennobled.

All these remarks, after a solemn determination of the house upon a question so particularly embracing the law of descent of their honours, certainly cannot be made, but with all due submission, and, as such, are here merely protruded, as matter of consideration, upon an extreme case, which has never yet been brought before their lordships for discussion, and which perhaps may never occur.

THE SCHEME OF THE CASE.



It has been but seldom that the eldest son of a baron has been summoned vitâ patris into the second barony of his father, the father being by inheritance possessed of two honours: the first instance was by Charles II., who, in the thirty-second year of his reign, by writ dated the 1st of November, 1680*, called the son of the lord Darcy to parliament, by the title of lord Conyers; shortly after which, he advanced the lord Darcy (the father) to the dignity of earl of Holderness.

* Journ.
Dom. Proc.

OF DIGNITIES BY LETTERS PATENT.

The usual manner of creating barons other than those who were so by their feudal grants, after the 49 Hen. III., was, as before shown, by writ of summons: but in the 11 Rich. II. John Beauchamp de Holt, (a time-serving man and steward of the king's household,) was created baron of Kidderminster, by letters patent*; before whom, as lord chief-justice Coke says†, there never was any baron created by that form; and, therefore, whenever a barony appears to have existed before that period, it must be taken to be a barony by tenure, or writ.

* Rot. Pat.
11 Ric. II.
p. 1. m. 12.
† 1 Inst. 16. b.

Dugdale observes‡, that the solemn investiture of barons created by patent, was performed by the king himself, by putting on a robe of scarlet, &c.; which form continued till the 13 Jac. I., when the lawyers declared, that the delivery of the letters patent was sufficient without ceremony.

‡ Vol. II.
p. 195.

But though baronies were not created by letters patent before the reign of Richard II., divers earldoms had been so created, of which, however, there are but few on record antecedent to the 11 Edw. III., and those are chiefly, if not all, of earldoms with the third penny of the pleas of the county annexed.

One of the most ancient of these patents, or charters, is that of the empress Maud to Geoffrey de Mandeville, of the earldom of Essex, in the these words; viz. “*Ego Matildis, &c.; do et concedo Gaufredo de Magnavillâ, &c. ut sit comes de Essexia, et habeat tertium denarium vicecomitatus de placitis, sicut comes habere debet in comitatu suo:*” which show, that the sovereign did not anciently grant *nomen, stylum, et titulum comitis*; but *ipsum comitatum*, by which the *tertius denarius comitatus, unde comites erant*, passed, and the parties were thereby earls, without any express words for the grant of the dignity,—as the case of Courtney, earl of Devon, more fully shows; viz. In the 8 Edw. III. Hugh de Courtney, heir general to Baldwin de Redvers, earl of Devon, represented to the king that he was seised of the *tertium denarium* of the county of Devon, with

divers lands, by inheritance, but that the same was refused to be paid to him, by reason he was *no earl*: whereupon the king, having upon investigation found the said representation to be true, by his letters patent, dated the 22 Feb. 9 Edw. III., declared, that he thenceforth should assume the title of earl, and style himself earl of Devon, as his ancestors had done; and he afterwards sate in parliament by that title accordingly.

King John was the first who introduced the practice of granting them only a certain sum, *viz.* ten or twenty pounds, out of the third penny of the pleas of the county, and thereby reserving to himself the other profits.

With regard to John de Beauchamp of Holt, the person before named as the first who was created a baron by patent, it is rather singular that he was attainted the very same year, and though his name appears in the lists of summons to parliament of that year, he never sate. He was one of the accomplices of Michael de la Pole, the unpopular duke of Ireland, who, when the patent passed, had the keeping of the great seal, from which in the preceding parliament he had been removed, and declared incapable of having it again: the patent, therefore, was nothing more than a vain attempt at a creation, which never was perfected.

The author of the “Enquiry into the Manner of creating Peers” has observed*, “That all the patents for baronies before 1 Hen. VII. are *per breve de privato sigillo et de auctoritate parliamenti*, and, consequently, had all of them the force of acts of parliament.” * p. 70.

But this doctrine seems erroneous, inasmuch as Selden† (mentioning the viscount Beaumont’s case) writes thus; *viz.* “The date is at Westm^r. 12 Martii, in the 23rd of the king; and the warrant is expressed by, *per breve de privato sigillo, et de datâ predictâ auctoritate parliamenti*; which last words, divers patents (of that age, and some that follow) have in the expressions of their warrants, by reason of the statute of 18 Hen. VI., cap. 1, by which it was enacted, that letters patent should be dated the same day wherein the warrant for them is received: as to this day, from that time and act, the law hath continued.” † Tit. Hon. p. 764.

Again, the prince’s case‡ confirms this statement; *viz.* “Et quando exituræ sunt sub billa signata, et sub sigillo etiam privato, tunc privatum sigillum manet domino cancellario, et billa signata manet clericis signaturæ,” ‡ 8 Coke.

et hac allatum est domino privati sigilli extractum ad faciendum breve de privato sigillo : et tunc literæ patentes subscribuntur, per breve de privato sigillo ; et si hac verba (scilicet auctoritate parlamenti) apponantur tunc exeunt secundum statutum de anno 27 Hen. VIII. cap. 11."

* 1 Inst. 16.
b.

Lord chief-justice Coke says*, that where a person is created a peer by letters patent, the state of inheritance must be limited by apt words, or else the grant is void. The usual words are, to hold to the grantee, and the heirs male of his body : though sometimes it is for the life only of the grantee † ; and sometimes, with remainder over in default of issue, to a collateral male relative ‡ : though sometimes also, a remainder, by special favour, has been granted to the issue male of a daughter, where the party has only had female issue for his heirs,—as in the cases of the earls Howe, and Wilton.

† Cornwayle
baron of
Milbrooke,
Rot. Parl.
20 Hen. VI.

‡ Lowther
viscount
Lonsdale,
Geo. III.

§ Ibid.
12 Rep. 71.

In the case of letters patent, the creation is perfect and complete, although the grantee should die before he has taken his seat in parliament §. Thus Henry Waldegrave being, by letters patent, dated 1 Jac. II., created baron Waldegrave of Chenton, to him and his issue male, died before he took his seat in parliament : but his son and heir, James, was afterwards introduced in his robes, and took his seat accordingly ||.

|| Lords'
Journ.
Vol. XXI.
p. 682.

Mr. Selden asserts, there was no instance of the grant of a *dignity* by letters patent to a person, and *his heirs generally*. But, it nevertheless appears, upon reference to the Lisle case (already hereinbefore noticed), that the said barony was granted to John Talbot, *his heirs and assigns, lords of the manor of Kingston-Lisle*. It probably may be questioned how far this grant was a *creation*, or a *confirmation* of a precedent right, as the ancestors of the said John Talbot had, by long inheritance, been barons Lisle, by tenure and writ of summons. But, as *the actual barony*,—that is, *the feudal manor of Kingston-Lisle*, was in reality vested in his mother, he had no further interest in the honour than with her consent ; and, by the declaration of the king, became conceded to him. The words of the patent for this purpose were, "*Ad removendum omnem dubitationis scrupulum ipsum, &c. ; creavimus, &c.*"

The most singular limitation of a dignity created by patent, next to that of Lisle, is that of the barony of Lucas of Crudwell. It was granted the 15 Cha. II. to Mary, countess of Kent, to hold to her and the heirs male of

her body begotten by the earl of Kent : and for want of such issue, to the heirs of her body by the said earl ; with a declaration, “ That if, at any time or times after the death of the said Mary-countess of Kent, and default of issue male of her body by the said earl begotten, there shall be more persons than one, who shall be co-heirs of her body by the said earl, the said honour, title, and dignity shall go, and be held and enjoyed, from time to time, by such of the said co-heirs, as by course of descent at the common law should be inheritable to other entire and indivisible inheritances, as, namely, an office of honour, and public trust, or a castle for the necessary defence of the realm, or the like ; in case any such inheritance was given, or limited to the said Mary, and the heirs of her body by the said earl begotten.” And by a private act of parliament, 15 Cha. II., this declarative clause is ratified and confirmed.

This is the only precedent among the grants of English peerages, where the title has been expressly defined to descend to heirs general, so as not to fall into abeyance, in case of there being more than one female co-heir. Among the Scotch honours, there is an instance of similar restriction, with regard to the earldom of Dysart, conferred by Charles II. on William Murray, and by one of his co-heiresses brought into the family of Tolle-mache.

It may not be here irrelevant to remark, that the greater part of the Scotch peerages—the earldoms especially—are descendable as well to the female, as to the male line. A recent case before the Lords’ Committee of Privileges, upon claim to the Roxburgh titles, has exemplified extraordinary powers granted by the crown to an individual, with regard to nominating his successors to his honours. This kind of favour, sometimes conceded by the king of Scotland, while that crown was a distinct kingdom, proceeded upon the feudal principle, that certain lands having been erected into an honour, either barony or earldom, which lands, according to common law, would have been descendable to heirs general, the same were, therefore, conferred upon a particular person, with the like power of ordering the course of succession, as he would have had, provided the lands had been a private estate of inheritance.

Previous to the Scotch union, the surrenders of charters of peerage

grants, with re-grants, or charters of *novo-damus*, were very frequently made and obtained: but since the union, the course of succession to Scotch honours remains upon the letter of the charter under which they were inheritable at the time of the union. It is particularly noticeable of many Scotch titles, that they have been granted to heirs male whatsoever, and not like English honours, restricted to the issue male of the body of the patentee. Thus the baronies of Aston, and Kircudbright, are now enjoyed by persons not descended from the body of the party first ennobled.

There is a very peculiar feature of the latitude granted by the Scotch sovereigns to those whom they have thought fit to dignify with peerages, running through the title of Oxfoord. By letters patent, dated in 1651, but which did not pass the great seal till 1660, Charles II. created sir James Makgill, and *his heirs male of Tailzie, and provision whatsoever**, viscounts of Oxfoord, and lords Makgill of Cousland. In 1662 this nobleman made a surrender of his estate to the crown, and obtained a new charter with a clause *de novo damus*, to himself *for life*, remainder to Robert, his eldest son, by — Livingston his wife, and the heirs male of his body by her, remainder to the heirs male of his body by any other wife, remainder to such person or persons as *he had named and appointed, or should name and appoint by any writing under his hand*, default of which, *to his heirs male whatever; which all failing, to his heirs and assigns whatsoever.*"

* Journ.
Dom. Proc.
Vol. XXIX.
p. 379.

In 1733 James Makgill, heir male of the patentee, claimed the peerage, and, on the 25th April, 1735, the claim was heard†. He was found to have half the character, but to want the other half. He *was heir male*; but he was *not heir of Tailzie and provision*: the claim was not allowed.

Somewhat similar to the preceding, was the grant made by king James I. under the great seal of Scotland, dated 20th Dec. 1607, of the title of lord Halyrudhous to Mr. John Boithwell (one of the senators of the College of Justice) and the heirs male of his body; which failing, to the heirs male of Adam Bishop of Orkney, his father; which failing, to the *lawful and nearest heirs and assigns of the said Mr. John Boithwell*‡.

† Ib. p. 385.

The patent and charters granted in the instance of the English barony of

Lisle, by Henry VI. and Edward IV., which have been before cited, have nothing so extraordinary in them as is contained in these two creations of of Oxfoord, and Halyrudhous.

ON THE SURRENDER OF TITLES.

It has already been observed, that a resolution of the house of lords has declared that no title can be surrendered to the crown, so as to bar the right of any one entitled in the course of legal descent to the inheritance thereof: but, neither the particular case or the principle of the decision having been fully stated, it may not be irrelevant to notice this interesting subject in a more detailed manner.

In 1619, the 17 James I., sir John Villiers, knight, (one of the brothers to the great favourite George Villiers, duke of Buckingham,) was created baron Villiers of Stoke, and viscount Purbeck, by letters patent, with limitation of those honours to the heirs male of his body. Robert, his son and successor, in 1660 levied a fine of his honours, and died in France 1675; whereupon Robert, his son, assumed the title of viscount Purbeck, and claimed his seat as such in the lords' house of parliament; on which occasion*, it was solemnly determined, on the 18th of June, 1678, "*That no fine now levied, or at any time hereafter to be levied to the king, can bar such title of honour, or the right of any person claiming such title under him that levied, or shall levy such fine.*"

* Jour.
Dom. Proc.
Vol. XIII.
p. 253.

But this determination was not made without great opposition on the part of sir William Jones, the king's attorney-general, who, besides citing numerous precedents, remarked†, that, by the statute of 26 Hen. VIII. cap. 17. "*a man attainted of treason shall forfeit his lands, tenements, and hereditaments.*" Now, the word which here comprehends honours, must be *hereditaments*; ergo, if these words comprehend honours, the rule at common law, with regard to other estates, seems to apply to honours; for provided they are, although an estate tail, subject to be extinguished for an act unlawful, *viz.* treason, they are equally liable to be surrendered by an act lawful, namely, fine or recovery. It appears a singular doctrine, that,

† Collins's
Parl. Prece.
p. 305, 6.

like an hereditament, they should be forfeitable, and yet, like an hereditament, they should not be alienable.

The ingenious arguments of Mr. Attorney were, however, ably rebutted by the earl of Shaftsbury, and probably overruled by the sentiments of the lords, by reason that the honour and dignity of the peerage would have been reduced to the practice of the courts at Westminster-hall; a point which, in the Banbury case some years afterwards, occasioned a long controversy between the judges and the lords.

During this discussion, the speech of the earl of Shaftsbury had the following noticeable passages; *viz.*

“ Your lordships did never suffer your honours to be tryed by the courts below, or anywhere but before yourselves; although your other inheritances are tryed there, as well as other men’s: for titles of honour are not dispensable as other inheritances; neither will their descent be guided by the strict rules of the common law.

“ Your lordships are the next thing to the crown—though that be far above us; but those who reach at that, must take you in their way. Your lordships were voted useless and dangerous before the crown was laid aside; and as, in the descent of the crown, the whole kingdom have such an interest as the king cannot alien, or surrender it, so in a proportionable degree, though far less, the king and kingdom have an interest in your lordships’ titles and dignities.

“ It is granted, that honours may be forfeited, but it doth not therefore follow, that they may be extinguished,—there being two reasons for the forfeiture, which are peculiar to honours; *viz.*

“ First: Because there is a condition in law, that they shall be true and loyal to the crown and government.

“ Second: Honours are inherent in blood, and when that is corrupted and stained, that which was inherent is likewise taken away; but in the case of surrender, those reasons do not hold: here is no breach of any condition in law,—here is no corruption of blood. For these two reasons, felony without clergy forfeits honours; whereas other inheritances, though fee-simple, are only lost for a year and a day: so also are freeholds for

lives ; which is another clear instance, that honours are not governed by the rules of the common law, as in other inheritances."

With respect to the precedents quoted by the Attorney-general, they either related to feudal honours, which, while the peerage dignity was attached to the tenure of certain lands, passed according to the principles of common-law inheritances ; saving that, being tenures in capite, they required the king's licence for the surrender or alienation ; or they referred to the surrender of earldoms*, and other honours, descendable in the blood, which were all *bare surrenders without fines* ; or were made by persons who had advantage by them, in having greater honours granted to them (*). The case of Roger Stafford, designated by my lord Shaftsbury "*Mr. Attorney's sole, single, and melancholy precedent*," made in 1638, and condemned in parliament in 1640, forms a solitary subject for consideration ; and the more so, because it is a case which neither historians, lawyers, or heraldic authors, have ever fairly set forth. It was this :

* Norfolk
et Hereford,
temp.
Edw. I.

Edward Stafford, duke of Buckingham, earl and baron Stafford, was indicted and arraigned for treason, and beheaded the 17th of May, 1521, (13 Hen. VIII.) after which he was attainted, whereby all his honours, &c. were forfeited. But Henry Stafford, his only son, was, immediately after his father's execution, restored in blood, though not to his honours or lands. The 20th of September, however, a small provision was made for him out of those immense estates which had been seized by the crown ; and on the 5th of July, the 23 Hen. VIII., a further grant of the castle of Stafford, &c. was made to him ; the yearly rent of all which together only amounted to 317*l.* 13*s.* 1½*d.*

The 1 Edw. VI. he was again restored in blood, says Dugdale, who cites the journals of that year ; but, in the Statute-book, no copy or title of such an act appears. From this act it is shown, that he had restitution of the barony of Stafford ; yet, with a limitation of descent different to that of the

(*) William Paulet, earl of Wiltshire, on being advanced to the dignity of Marquess of Winchester.

ancient barony, which, originating by writ of summons, was descendable to *heirs general*; whereas the title now conferred was to go only to *heirs male*. The words of the act were, "That the said Henry lord Stafford, and the *heyres males of his body*, may and shall be accepted, taken, known, reputed, called, and written, henceforth by the name of the lord Stafford; and that the said Henry, and the *heyres males of his body* coming, shall have and enjoy, in and at all parliaments, and other places, *the name, roome, place, and voice of a baron, &c.*"

This Henry thus restored baron Stafford to him and his heirs male, had issue four sons; *viz.* Henry, Edward, Walter, and Richard: of these, Henry and Edward were successively barons Stafford; the latter was father of another Edward, whose son, a third Edward, died before his father, having had issue a daughter Mary, and a son Henry, which Henry died unmarried; by which event Mary, his sister, who married sir William Howard, a younger son, to Thomas earl of Arundel, became his heir general: but, by reason that the inheritance of the barony was by the act of Edward VI. restricted to *heirs male*, she was incapable of succeeding to the said honour, as she would have been entitled to have done to the original barony, provided it had never been forfeited.

Thus the male line of Henry and Edward, the two eldest sons of Henry, the restored baron Stafford, having failed, the course of succession devolved upon Roger, the son of Richard Stafford the youngest brother to the aforesaid Edward, (the other brother Walter being dead, without issue,) which Roger immediately presented a petition for the barony; but, being of himself merely of slender fortune, (probably none at all,) he was borne down by the weighty power of the Howards, who solicited the barony for the sister of the last lord Henry, and her husband, the before-named sir William Howard.

Richard Stafford (before mentioned) died very poor: his son, the said Roger Stafford, was born at Malpas, in Cheshire; in his youth he went by the name of Fludd, or Floyde,—for what reason, has not yet been explained; perhaps, with the indignant pride, that the very name of Stafford should not be associated with the obscurity of such a lot!—However, one Fludd or Floyde, a servant of Mr. George Corbett of Cowlesmore, near Lee in

Shropshire, (his mother's brother,) is mentioned in a MS. which undoubtedly was once part of the Stafford collections; and it is not improbable, that this person was some faithful servant, under whose roof he might have been reared, or found a shelter from misfortunes, when all his great alliances with an odious and detestable selfishness might have forsaken him; and that he might have preferred the generous, though humble, name of Floyd, to one which had brought to him nothing but a keener memorial of his misfortunes.

At the age of sixty-five he became, by the early death of Henry, lord Stafford, (the great-grandson of his father's elder brother,) in 1637, heir male of the family; a circumstance which was to subject him to new mortifications.

The act of 1 Edw. VI. restored his grandfather in blood; gave to him and the heirs male of his body the rank of a baron, and enabled him and his successors to make jointures or grant a life estate to younger children; or dispose by will for advancing children, or paying of debts, to the amount of two-thirds of the parcels of the small lands restored by Henry VIII. Yet Dugdale does not specify whether the entail was on the heir male, or heir general, except of a small part: but the entail of the peerage depended upon the act of Edward VI., which decisively expressed it upon the heir male. Roger Stafford, therefore, in 1637, became, beyond all doubt, entitled to be lord Stafford, and accordingly presented a petition of claim, and submitted his right to the king's judgment. Upon which submission, his majesty declared his *royal pleasure*, that the said Roger Stafford, *having no parte of the inheritance of the said lord Stafford, nor any other landes or meanes whatsoever*—(a most honest and just reason certainly)—should make a resignation of all claims and titles to the said barony of Stafford, for his majesty to dispose of as he should see fit. In obedience and performance of which order, the said Roger Stafford did, by his deed enrolled, dated 7th Dec. 1639, grant and surrender unto his majesty the aforesaid barony of Stafford, and the honour, name, and dignity of lord Stafford, in and by the act of Edward VI. granted; together with all his right, &c. &c.: and covenanted, before the end of Hilary term next, to levy a fine of the barony; which fine was accordingly levied. After which

surrender made, and fine levied, the king, by patent, 12th Sept., 16 Car. I., created sir William Howard, and Mary his wife, baron and baroness Stafford, with remainder to the heirs male of their bodies; remainder to the heirs of their bodies, with *such place and precedence as Henry lord Stafford, brother of the said Mary, had or ought to have as baron Stafford*: which latter clause seems illegal; inasmuch as it would be a new creation, the limitations being different from those of the old honour: and no new creation can, without an act of parliament, *take precedence* of any older creation of the same degree.

Thus was this poor old man overpowered for ever, and the cruel and unjust result, aggravated, if possible, by the illiberality of the manner, in words as base, as the decree was arbitrary and unprincipled! *viz.* “Roger Stafford, in his youth called Fludd, pretending himself to be descended from a younger son of the said Henry first lord Stafford, did claim the barony of Stafford, which title and dignity the said sir William Howard, in right of his said lady did also claim —.” By what intimidation this unhappy nobleman was influenced to surrender his rights, cannot now be known; but the validity of a fine has since been questioned, and entirely annulled, as before observed, in the Purbeck case.

In the 4 Edw. IV. John Nevill, lord Montague, was created earl of Northumberland, *per ipsum regem ore tenus*, which memorandum was probably added at the foot of the record, in consequence of the patent having passed without a writ of privy seal, by the personal order of the king. In the 8th of the same king this patent was brought into Chancery to be cancelled; and Nevill was created marquess of Montague.

In the 11 Edw. IV. Lodowic de Bruges was created earl of Winchester, to hold to him, and the heirs male of his body. In the 15 Hen. VII. the letters patent appear to have been restored to the king, to the intent that they might be cancelled; and, by a memorandum at the foot of the record, it seems, the inrollment was thereupon vacated. But these precedents were previous to the Stafford and Purbeck cases, and were not accompanied by any fine.

The resolution in the Purbeck title does not appear to have been meant to apply retrospectively.

GENERAL OBSERVATIONS.

With respect to the estate, which may be had in a title of honour, while the dignity was annexed to the land, and held by tenure, the person in possession of the estate, if he was tenant in fee simple, would, it is presumed, have an estate equal in dignity.

These kind of territorial dignities, or land baronies, were anciently allowed to be aliened by the possessor, provided such alienation was made with the king's licence. Collins, in his Parliamentary Precedents*, cites various examples to this effect; and Dugdale, in his History of the Baronsage†, notices the same.

* p. 114. 116,
et alibi.

† Vol. I.
p. 385, et
alibi.

As to dignities derived from writs of summons, they have generally been said to be holden in fee; but this is deemed an erroneous doctrine‡. A person having a barony of this kind, is not tenant in fee simple of it: for, in that case, it would descend to the heirs general, lineal or collateral, of the person last seised: whereas, a dignity of this species is only inheritable by such of the heirs as are lineally descended from the person first summoned to parliament, and not to any other of his heirs. It is, in fact, a kind of estate, not known to the law in any other respect or instance excepting in that of an honour.

‡ Cruise on
Dignities,
p. 55.

These dignities, created by writ, (and the same rule applies to those created by patent§,) are unalienable; being an hereditament in the blood of the grantee and his descendants. And in the case of the barony of Grey of Ruthyn, in 1640, the house of lords made|| the following resolution; viz. "Upon somewhat, which was spoken of in the argument, concerning a power of conveying away an honour, it was resolved upon the question, *nemine contradicente*, that *no person that hath any honour in him, and a peer of this realm, may alien or transfer the honour to any other person.*"

§ Purbeck
case. Cor.
Dom. Proc.
anno 1678.
|| Lords'
Journ.
Vol. IV.
p. 150.

It was doubted formerly, whether a barony by writ was not extinguished by the acceptance of a new barony of the same name. But, in the case of Lord Delaware, it was resolved¶ in parliament, 39th of Elizabeth, that a

¶ Ibid.
Vol. II.
p. 196-7.

grant of a new barony of Delawarre to William West, who was not then in possession of the old barony of that name, did not merge or extinguish the ancient dignity*. The same doctrine was also established in the barony of Willoughby de Broke†, claimed by sir Richard Verney.

* Collins's
Parl. Prec.
p. 122, 3.

† Ib. p. 321.

It was also formerly questioned, whether a person having a barony by writ, and being afterwards advanced to an earldom, to him and his issue male, did not thereby so merge the barony in the higher honour, as that it could not afterwards be separated from it. But this doctrine was fully exploded in the cases‡ of the baronies of Grey of Ruthyn, and of Fitz-Walter; in which latter case, another point was embraced by the determination, namely§, that, though the earldom or higher dignity should become extinct, the barony by writ will, notwithstanding, descend to the heir general.

‡ Ib. p. 195.
Lords' Jour.
Vol. IV.
p. 149.

§ Ib. p. 286.

The descent of dignities by writ, is in some respect different from that of lands; for possession does not affect the descent of a dignity: for every person claiming an honour created by writ, must make himself heir to the person *first summoned*, not to the person *last seised*||.

|| 1 Inst. 15.b.
3 Rep. 42.a.

¶ Collins's
Parl. Prec.
p. 195.

Thus, in the case of the barony of Grey of Ruthyn¶, before mentioned, it was stated, that it was a barony by writ; that lord Grey died, leaving a son and daughter by one venter, and a second son by another venter. The barony descended to the eldest son, in due course, who sat in parliament, and afterwards died without issue: the question was, whether the second son should inherit the barony, or the sister?

The opinion of the judges was required, who resolved, that there was no *possessio fratris* of a dignity; but it should go to the younger son, who was *hæres natus*; and the sister was only *hæres facta*, by the possession of her brother, of such things as were *in demesne*, but *not of dignities*, whereof there could be an acquisition of the possession.

** 1 Inst.
§ 5. b. n. 3.

But lord chief-justice Hale, in his Notes to the First Institute,** published by Mr. Hargrave, observes, on this case, that, if it was a feudal title of honour, as of the earldom of Arundel, or barony of Berkeley, there *possessio fratris* should hold well; because the title is annexed to the land.

†† Cruise
on Dig.

The right of primogeniture takes place between males in the descent of dignities††; and, therefore, where a person possessing an honour in tail

male, dies, leaving several sons, it descends upon the eldest : but where a person seised of an honour in fee, dies, leaving daughters, sisters, or other female co-heirs, no right of primogeniture prevails ; for they altogether are *unus hæres, unum corpus* : their heirship is *unitas juris* ; the whole body* of co-heirs, however numerous, must unite to constitute *the heir*.

* Coke on Litt. sect. of Coparc.

Lord chief-justice Coke has stated a case in his Institute† in these words : “ Note.—If the earldom of Chester descend to coparceners, it shall be divided between them, as well as other lands ; and the eldest shall not have this seignory and earldom entire to herself, *quod nata*, adjudged *per totam curiam*.” And his lordship makes the following observations on this case. “ By this, it appeareth, that the earldom—(that is, the possessions of the earldom)—shall be divided ; and that, where there be more daughters than one, the eldest shall not have the dignity and power of the earl, that is, to be a countess. What, then, shall become of the dignity ? the answer is, that, in that case, the king, who is sovereign of honour and dignity, may, for the uncertainty, confer the dignity upon which of the daughters he please ; and this hath been the usage, since the conquest, as it is said.”

† 1 Inst. 165. a. tit. Præscr. 18.

This doctrine, laid down by lord Coke, was fully established and acted upon both before and in his time. Thus, in the case of the earldom of Oxford, the house of lords certified‡ that the earldom was descended to the heir male ; but, as to the baronies of Bulbeck, Sandford, and Badlesmere, “ they being entire, and not dividable, they became incapable of the same, otherwise than by gift from the crown ; and they in strictness of law, reverted to, and were in the disposition of king Henry VIII.”

‡ Lords' Jou. Vol. III. p. 535.

A learned author, however, has observed§, that the expression, that “ *Baronies in abeyance are wholly at the disposal of the crown, is too general ; for it is not in the power of the crown to dispose of such baronies to a stranger*.” But the decision|| on the barony of Latimer, temp. Hen. VI. rather rebuts this assertion.

§ Cruise on Dignities.

|| Collins's Parl. Prec.

When Ranulph, earl of Chester¶, died, (16 Hen. III.) without issue, his four sisters became his co-heirs ; and in the partition of that vast inheritance, John le Scot, son of Maud the eldest sister, (his mother being dead) had for his part the whole county of Chester, and by reason thereof,

¶ Dugd. Baron, Vol. I. p. 44. et seq.

most probably, was allowed to bear likewise the title of that earldom. But when the said John le Scot deceased, without issue, 21 Hen. III., leaving his four sisters, or their representatives, his co-heirs, the king took the earldom of Chester *into his own hands**, and afterwards annexed it to the crown, granting to the co-heirs certain other lands in the lieu thereof.

* Dugd.
Camden,
R. Brooke,
Milles,
et alibi.
† Lib. 2. c. 34.
76. a. & b.

Bracton† treats of the partition of estates among co-parceners; and observes, that where a mansion-house was *caput comitatus seu baroniæ*, it was not divisible, *propter jus gladii, quod dividi non potest*; for, by that means, earldoms and baronies would come to nothing: *per quod deficiat regnum, quod ex comitatibus et baroniis dicitur esse constitutum*.

‡ Cruise on
Dignities.

Now, provided the eldest daughter had a right, as some assert‡, to the principal mansion, if it was a *caput comitatus*, sive *caput baroniæ*, she would, in those times, have been entitled to the dignity annexed to it; and this appears to have been the case in divers baronies§ noticed as having been given to the eldest of several co-heirs; yet, in the instance of the division of the great inheritance of Hugh de Albini, earl of Arundel and Sussex, among his sisters and co-heirs||, or their representatives, it seems, that the dignity of earl of Sussex, (whereof the Albini's were earls *per tertium denarium comitatus unde comes est*¶) was not granted to any one of the co-heiresses, but the castle of Arundel, which was the *caput comitatus*, was given to John Fitz-Alan, son of Isabel, the second sister** of earl Hugh; the descendants of which John Fitz-Alan, by reason of the possession of the said castle, have been earls of Arundel to this day.

§ Collins's
Parl. Prec.
p. 222-3, et
alibi.

|| Dugd.
Baron.
Vol. I. p. 121.

¶ Ib. p. 119.

** Rot. Pat.
28 Hen. III.
m. 12.

Where the king terminates the abeyance of a dignity in favour of a commoner, he issues a summons to him by the name of the honour which was in abeyance; as in the cases of Le Despenser, and Botetourt. But, where the person, in whose favour the abeyance is terminated, is already a peer, and has a higher dignity, there the king makes a declaration under the great seal, confirming the barony to him; and in the case of a female, the abeyance is also terminated by a declaration.

With regard to the effect of terminating the abeyance or suspension of an honour, by the nominating of any one of the co-heirs to it; such nomination operates not as a new creation of a dignity, but as a revival of the ancient title, according to the date of its standing, and the nominee

has thenceforth an inheritance in the barony or honour so revived, to hold to the heirs of his, or her body; but in case of failure of heirs of the said nominee, the barony or honour will again fall into abeyance* among the remaining heirs-representative of the original co-heirs, and so continue until the crown may be pleased to make a new termination; or until, by the death of all the co-heirs, but one, and the extinction of their respective lines, there shall remain only one sole heir to the dignity, who then becomes entitled to the inheritance *ex debito juris*, as a matter of right; not *ex debito gratiæ*, as a matter of favour from the crown.

* Argument of chief-jus. Eyre, on the case of the barony of Beaumont; Cor. Dom. Proc. anno 1795.

The house of lords, in the case of the barony of Beaumont, claimed † by Mr. Stapleton, has decided, that where a barony by writ was in abeyance between two persons, the attainder of one of them for high treason, did not terminate the abeyance, and give to the other a sole right to the barony.

† Coram Dom. Proc. an. 1794-5.

In the case of an original barony by tenure, where the party seised thereof has continued to have summons to parliament for divers descents, until the male line has ceased, and only female co-heirs been left to the inheritance; there does not appear to have been ever any decision, whether such barony would be in *abeyance* among the co-heirs, or *extinguished*, provided the *baronial lands*, which had at first moved the writ, were sold or alienated by the last male possessor previous to his death, at which time his sisters, or any other females should become his co-heiresses.

From the determinations made in the Berners, Botetourt, and several other cases‡, it is settled, that dignities are not within the Statute of Limitations; and, therefore, no length of time of non-claim can bar the right of any one entitled to a descendable honour.

‡ Lords' Journ. Collins's Skin. Rep. &c.

With regard to dignities, created by letters patent, they are not open to so many questionable points of law, with relation to their descent, as those honours are, which derive their origin from the writ of summons, for the express words of their patents define their course.

It was an opinion, that a title must be created of some place, in order that it might appear to be annexed to land, and thereby become a real hereditament. This opinion strongly coincided with the ancient notion of baronial tenures. But in the case of Mr. Knollys, who claimed to be earl

of Banbury, and was indicted by that title, and a plea put in, that it did not appear that Banbury was in England, chief-justice Holt was of opinion, that the place from whence a patentee took his title, need not be in England ; nor, in reality, was there a necessity that there should be any place. Albemarle was not in England, and, nevertheless, several persons, prior* and subsequent to Magna Charta, have been earls† and dukes‡ of that place ; and the title of earl of Albemarle is, even at this day, one belonging to a peer of parliament§. In the case of sir Thomas Gerard, who was created lord Gerard, of *Gerards Bromley*, by letters patent, (he being then resident with his family in the said capital messuage,) a question arose||, whether the said capital messuage became thereby *caput baroniæ* ; and it was held that it did not : for the *caput baroniæ* only applied to those barons of antiquity who had jurisdiction, and presided ministerially in *aulis suis*.

* Dugd.
Vol. I. p.
† De For-
tibus, et alii.
‡ Plantag.
and Monck.
§ Keppel.
|| Gerard v.
Gerard,
5 Mod. 64.

A dignity may not only be entailed at its first creation, but also, a dignity which was originally descendable to heirs general, may be entailed by parliament on the heirs male of the person seised thereof. But, in this respect, the cases of the earldom of Oxford, and the baronies of Lumley and Percy, show, that such entails were in the nature of re-grants of the ancient honours, which theretofore had been forfeited by attainder, and were now restored in name and rank, but under certain new limitations of descent.

¶ Cruise on
Dignities.

A dignity, whether holden in fee, fee-tail, or for life,¶ is forfeited and extinguished by the attainder for treason or felony of the person possessed of it at the time of committing the offence ; and cannot be again revived, otherwise than by reversal of the attainder. In the cases of Stafford and Lumley, the heirs were restored in blood, but the baronies were given, with new limitations, to issue male, being different to their original course of descent, which was to heirs general.**

** Journ.
Dom. Proc.

Charles Nevill, sixth earl of Westmorland, (whose ancestor Ralph was so created by letters patent, to hold to himself and the heirs male of his body,) in the 13th of Elizabeth, was attainted of high treason, by outlawry, and by act of parliament, and died without issue male : whereupon

the title was claimed by Edward Nevill, lord Abergavenny, as heir male of the body of Ralph Nevill, the first grantee of the earldom.*

* Collins's
Parl. Prec.

It was resolved by all the judges, that, although the dignity was within the statute *de donis conditionalibus*, yet it was forfeited by a condition in law *tacitè*, annexed to the estate of the dignity : for an earl has an office of trust and confidence; and when such a person, against the duty and end of his dignity, takes council, as well as arms, against the king, to destroy him, and thereof is attainted, by due course of law; by that he hath forfeited his dignity, in the same manner as if tenant in tail of an office of trust misuse it, or use it not; these are forfeitures of such office, for ever, by force of a condition in law *tacitè* annexed to their estates. It was also resolved,† that, if it had not been forfeited by the common law,‡ it would have been forfeited by the 26 Hen VIII. (y)

† Nevill's
Case, 7 Rep.
33.

‡ Opinion of
the judges
in Airlie
case, 1818.
Cor. Dom.
Proc.

But, nevertheless, a dignity *in tail* may be claimed by a son surviving an attainted father, who *never was in possession* of such dignity; as in the case of the duke of Athol, in which it appeared, that John Murray, marquess of Athol, was created duke of Athol, to hold to him and the heirs male of his body. He died in 1725, leaving James, his eldest son and successor, and George, a younger son, the petitioner's § father.

§ Lords'
Journ.
Vol. XXX.
p. 466, et
seq.

The said lord George Murray in 1745 was attainted of high treason, by act of parliament, and died in 1760, leaving the petitioner, his eldest son. James duke of Athol afterwards died in January, 1764, without male issue, whereby the said John became next heir male to duke James his uncle, and was admitted as such accordingly. ||

|| Ibid.

But where a dignity is entailed over to another person, ¶ in default of issue male of the grantee, such dignity is not affected by the treason, felony, or attainder of the said grantee. Thus Thomas Percy was restored to the ancient barony of Percy and earldom of Northumberland, in the time of Philip and Mary,** with a limitation of those honours to him and his issue male-descendants, remainder to Henry Percy, his brother and his issue male. The said Thomas, baron Percy and earl of Northumberland,

¶ 7 Rep. 34.
d.

** Pat. 3 & 4
Phil. & Mar.
p. 10.

(y) Sir William Jones, attorney-general, in his argument upon the Purbeck case, cursorily remarks, that *he had been told Nevill's case was not law*.—Collins's Parl. Preced. p. 298.

was afterwards attainted and beheaded : but the honours entailed as before mentioned, descended to his brother sir Henry Percy, by virtue of the said entail.*

* Dug. Bar.
Vol. I. p. 284.

Where a person who has an honour marries, his wife becomes entitled to the same during her life, unless she afterwards marries a commoner.† Thus Ralph Hayward, esq. who married Anne, widow of the lord Powes, having brought an action against the duke of Suffolk, by the name of Ralph Hayward, esq. and the lady Anne Powes, his wife, an exception was taken for a misnomer, because she ought to have been named by the name of her husband, and the said exception was allowed by the court.‡ The same doctrine was laid down in the case of the duchess of Suffolk, who, in her widowhood, married Adrian Stokes. And many other precedents§ may be cited (²). Curtesy, however, admits what the letter of the law denies.

† 1 Inst. 16. b.

‡ Dyer, 79.

§ Digest,
Lib. I. tit. 9.
Lege. 8.
Doddridge,
p. 107.

|| Journ.
Dom. Proc.
Vol. XI.
p. 298.

In 1661, upon the report from the Lords' Committees of Privileges, to whom was referred the consideration of the lady Dacres' petition, claiming the privilege of parliament, the house declared||, (having received the opinion of all the judges now present in point of law,) "that the lady Dacres, by marrying Mr. Chute, a commoner, hath forfeited and lost her privilege of peerage in law ; and it is ordered, that the trial at law do proceed, notwithstanding any claim of privilege by the said lady Dacres." And it was again declared and made a standing order of the house, 21st of February, 1692, "that if the widow of any peer shall be married to a commoner, she shall not be allowed privilege of peerage." The curtesy, however, allows the assumption of the name of honour, though the law denies any rights to be derivable therefrom.

Thus the eldest son of a duke, by curtesy, bears the title of his father's

(²) In the 33 Cha. II. lady Elizabeth Grey, daughter to Henry earl of Kent, having married Banastre Maynard, esq., eldest son of William lord Maynard, his Majesty, in order to prevent all disputes which might occur by reason that every daughter of an earl marrying a peer, has only the place and precedence of that peer, unless, by special dispensation, her native right be preserved and continued, was pleased to grant his warrant, that the said lady Elizabeth Grey should have the precedence, &c. of an earl's daughter, notwithstanding her said marriage. Dated at Whitehall, 11th March, 1680-1.—Ex Orig. penes Coll. Armor.

second honour ; but in law he is only a commoner, and indictable by his christian and his family surname.

But where a woman, who has a dignity in her own right, marries a commoner, she still retains her name of dignity, for she is *nobilis nata**, *non facta ; est character indebilis*.

* Coke,
4 pt. 118. b.
6 pt. 53. b.

Chief-justice Coke says,† if a duchess by marriage afterwards marries a baron, she remains a duchess, and does not lose her name, because her husband is noble. Mr. Hargrave, however, in a note on this passage, observes, that, in some books, it is said, if a woman, noble by birth, marries one of inferior nobility, she shall be styled by the dignity of her second husband. (aa) At the coronation of his majesty Geo. III. the duchess-dowager of Leeds, then the wife of the earl of Portmore, claimed to walk as a duchess, but her claim was rejected : she was not noble by birth, but was the daughter of a private gentleman, Roger Hele, of Halewell, in com. Devon, esq.

† Inst. 16. b.
n. 6.

In this case of acquired nobility by marriage, Doddridge observes‡, that, if an issue be taken upon the question, that is to say, duchess or not duchess, countess or not countess, baroness or not baroness, the trial shall be not by record, but by a jury of twelve men ; and the reason is, because, in this case, the dignity is accrued to the woman by marriage, which the lawyers term matter in fact, and not by any record.§

‡ Treatise
on Nobility,
p. 108.

Justice Doddridge says,|| that it has been a matter of question, whether a person can refuse or waive a dignity conferred on him by the crown. Chief-justice Coke says,¶ that, “ If the king calleth any knight or esquire to be a lord of parliament, he cannot refuse to serve the king there, in *illo communi concilio*, for the good of his country.” This opinion, however, is contradicted by lord chancellor Cowper, who held,** that the king could

§ Coke, 6 pt.
53. a.

|| Treatise
on Nobility,
p. 162.

¶ 4 Inst. 44.

** P. Wins.
592.

(aa) This doctrine is shewn in the case of Sarah duchess-dowager of Somerset, relict of John duke of Somerset, then late deceased, who, in order to preserve the place and precedence due to her from the duke her husband, obtained the king's royal licence and authority to retain the said place and precedence, notwithstanding any marriage she might thereafter contract with any person whatsoever ; by warrant dated at Whitehall, 21st April, 1682, (34 Cha. II.)—Ex Orig. penes Coll. Armor.

not create a subject a peer of the realm against his will; because then it would be in the power of the king to ruin a subject, whose estate and circumstances might not be sufficient for the honour. His lordship also held, that a minor might, when of age, waive a peerage granted to him during his infancy.

* Idem.

Lord Trevor* was of a different opinion, and held, in conformity with lord chief-justice Coke, that the king had a right to the service of his subjects in any station he thought proper; and instanced in the case of the crown's having power to compel a subject to be a sheriff, and to fine him for refusing to serve. He observed, that in lord Abergavenny's case, it was admitted, the king might fine a person whom he thought proper to summon to the house of peers, it being there said, that a person might choose to submit to a fine; and, if it were allowed, the king might fine one for not accepting the honour and not appearing upon the writ: the king might fine *toties quoties*, where there was a refusal; and, consequently, might compel the subject to accept the honour. And that it was not to be presumed the king would grant a peerage to any one, to his wrong, any more than that he would make an ill use of his power of pardoning: all which were supposititious, contrary to the principles upon which the Constitution was framed, which depended upon the honour and justice of the crown.

A *volumus* of precedence is contrary to the statute. Mountjoy Blount was created baron Mountjoy of Thurveston, 5 June, 1627, with an express clause of *volumus* in his patent, to have *locum et precedentiam præ omnibus aliis baronibus quibuscunque hujus regni nostri Angliæ per nos post vicesimum diem Maii jam ultimo præteritum factis sive creatis, aliquo, etc. in contrarium in aliquo non obstante*. The lord Fawconbridge, who had been created the 25th of May, and the lord Lovelace on the 27th of May, complained of Mountjoy's precedence, and the point was referred to the Lords' Committee of Privileges, who, on the 29th of April, 1628, by the lord president reported,† “ that the committee had considered thereof, and are of opinion, that, according to the statute of 31 Hen. VIII., and according to a former judgment of this house, this parliament (10 April), in the like case of precedence granted to the earl of Banbury, that the said baron Fawconbridge, and the said baron Lovelace, are to have place

† Journ.
Dom. Proc.
Vol. III.
p. 775.

and precedence according to the ancienties and dates of their several patents, before the said baron Mountjoy, whose patent of creation bears date afterwards, notwithstanding the said clause in his patent to the contrary."

Where a patent is lost, or not forthcoming, a *constat* out of the Rolls, (or office of public record,) will be received as evidence of the original creation. The lord Brudenell,* the 4th of May, 1640, not having his patent, delivered a *constat* out of the Rolls, and took his seat in the house, according to the date of his patent.

* Journ.
Dom. Proc.
Vol. IV.
p. 80.

In 1640, the 16 Car. I., the lord Cottington having been created since the last parliament,† and never sitting in the house before, should have presented his writ or patent; but not having his writ nor patent present, he was excused; but it was ordered, upon motion of some lords, that this should not be a precedent for hereafter, being done out of favour to him.

† Ibid. p. 55.

In the case of a writ of summons of the same title issued on error, such writ is not to be prejudicial to the heirs of the ancient honour. In 1628, 4 Cha. I., the lord president declared to the house of lords,‡ "That his Majesty hath granted his writ of summons to this parliament unto James, the son and heir-apparent of William, now earl of Derby, by the name of *James Strange, chr.*, and that the heralds have ranked the said James in the place of *the ancient barons of Strange*. And his lordship showed, that Anne, countess of Castlehaven, the eldest daughter and one of the co-heirs of Ferdinando, late earl of Derby, deceased, doth claim the name and title of the said barony of Strange. It is ordered, the said writ of summons, and the said rank and place of the said James shall be in no way prejudicial unto the right and claim of the said Anne, countess of Castlehaven, nor unto any of the rights and claims of any of the daughters and co-heirs of the said Ferdinando, late earl of Derby, deceased.

‡ Ibid.
Vol. III.
p. 841.

A mistake in a writ of summons may be amended. In 1689 (10th Aug.) the house of lords was moved, *viz.* § "That in this parliament it pleased the King to grant his writ of summons to call Charles, lord Clifford of Landsborough, to sit in parliament, and to take his place as the barony of his father; but, by a *mistake*, the writ of summons under the great seal calls him by the title of lord Boyle; *for rectifying of this mistake*, the king hath been pleased to pass a warrant under his hand and seal, for amending

§ Ibid.
Vol. XIV.
p. 307.

the writ, and making it to bear the title of lord Clifford of Landsborough, to be passed under the great seal of England ; and that the clerk of the parliaments, in whose custody the first writ is, is hereby directed to deliver the same to his lordship for putting in the title of lord Clifford of Landsborough."

In 1794 the house of lords, being informed that the lord Clinton, in proving his pedigree before the committee for privileges, had omitted, by mistake, to insert the names of his lordship's brother, John Trefusis, (a student of Oriel College, Oxon,) who was unmarried, and of his sisters, Elizabeth, Anne, and Barbara Crowley, of whom Elizabeth and Barbara are unmarried, and Anne is the wife of Thomas Maxwell Adams, of the island of Barbadoes, esq. It was ordered,* "That the lord Clinton do deliver in a new pedigree before the committee for privileges, supplying the said omissions."

* Journ.
Dom. Proc.
Vol. XL.
p. 68

In 1793 it was moved in the house of lords, "That it be referred to the Committee of Privileges to consider and report to this house, whether, when any title of honour has been conferred on any person by letters patent under the great seal, to be holden in or with any given rank of peerage, the same specific individual title can be conferred on another person, to be holden in or with the same or any other rank of peerage, during the subsistence of the limitations of such first grant." This motion being objected to, after debate, the question was put thereupon, and was resolved in the negative.

The circumstance arose from his majesty having created Thomas, viscount Weymouth, marquess of Bath, by patent, dated the 25th of Aug. 1789 ; and having afterwards advanced Henrietta Laura, daughter of William Pulteney, esq., to be a baroness of the realm, by the same specific title of Bath, in the county of Somerset, by other letters patent, dated July 1792. The rejection of the said motion was followed by a very well-conceived and spirited protest on the part of the earls of Radnor and Leicester ; who, among many most pointed observations, stated, "That, when the duke of Buccleugh obtained from the crown, in 1743, the honour of its recommendation to be restored to the hereditary seat in this house, forfeited by the attainder of his ancestor the duke of Monmouth, that favour was *confined to such titles as were not vested in other families* ; and,

consequently, the title of Monmouth was omitted." But here it is to be remarked, that the said title, after the decapitation of the duke, had been conferred on the family of Mordaunt, in the person of Charles, son and heir of John, viscount Avalon, by Elizabeth his wife, sole daughter and heir of Thomas Carey,* second son of Robert, earl of Monmouth, who had possessed that name of honour before the duke. The said noble earls also stated, that they protested, "Because, upon the doctrine of the hour (for of the hour only we trust it is), the minister, for the time being, stands complimented by the house with a more powerful instrument of mortifying individuals, than any known prerogative of the crown, or, in our opinion, the court of Wards and Liveries itself, ever furnished. The grievances of the latter were heavy, but temporary : the injury occasioned by this modern invention is perpetual, and claimed by its patrons as irremediable."

* Collins's
Peerage.

After this it was moved, that an address should be presented to his Majesty, to represent, among other points, "That the house, forbearing to question the validity of the grant made to the said Henrietta Laura Pulteney, but greatly concerned that his Majesty has been advised to make the same, does humbly and earnestly request of his Majesty, that the same may not be drawn into example, and that the members of this house, honoured by the favour of the crown, may, severally, for the future enjoy unmolested, and exclusively, their several and respective honours." Which being objected to, the question was put thereupon, and resolved in the negative. This again occasioned a further protest from the noble earls before mentioned, which was as follows, *viz.* "Because, though we adhere to the motion last negatived, and trust that our opinion will prevail, in case a seat in this house, by virtue of this patent, shall ever be claimed, believing the grant to be unauthorized by custom or precedent, and void in law, as it is upon every principle of justice and decorum ; yet, as the house had refused to question the power of the crown to confer the title, we waived our own opinion, so far as to endeavour to induce the house to mediate with the crown graciously to remit the exercise of such power, being, as we conceive, incompatible with the honour of the house, and the vested rights of the individual member.

"The act for regulating the precedency of the peers obviated those

grievances which partial or temporary favour might occasion ; but the grievance, arising from precedence given arbitrarily, though it had also been given in perpetuity, could not, in any degree, be compared to this. An instance, infinitely short of this, in our opinion, is pronounced by the lord chancellor Clarendon in his history, *to be the most unnecessary provocation he had known*, and, in his belief, the chief occasion of lord Strafford's execution."

This last citation seems to allude to the lord Strafford having taken the title of Raby, from Vane's seat at that place ; a circumstance, certainly, very well known.

* Collins's
Peerage,
Vol. XIV.
p. 338.

In 1689 the lord viscount Preston, of Scotland, was attached for claiming privilege of peerage under a patent from king James, after his abdication, dated at St. Germain en Laye, the house resolved,* that *the patent was null and void*, and ordered, that the attorney-general should prosecute him for a high misdemeanour, in claiming to be a peer of the realm, by his pretended patent.

+ Ibid.
Vol. XXX.
pp. 119, 131.
191.

Their lordships, in various instances, with reference to persons taking upon themselves names of dignities, particularly of Scotch titles, have decided,† that no one shall assume such titles until allowed to them in a due course of law, upon claim made thereto. By analogy, the same rule applies to English honours.

‡ Ibid.
Vol. XI.
p. 575-6.

By an order of the house of lords, of the 8th of May, 1663, it was referred to the Committee of Privileges to report concerning the introduction of peers by descent, by Garter King of Arms, and such other concomitants as is now used to such as are newly-created peers. The report‡ contains, among a variety of exemplary matter, the following points ; viz. " It doth not appear to this house, that anciently any peer was introduced into this house, no, not when created."

" The committee heard at large all *Garter's pretences*, and weighed thoroughly all his evidences, and discharged all that he could say as to any pretence of right, by this bottom of reason. *All right must be founded either upon prescription, which looketh back so far as the time of K. Ric. the I., or upon some parliamentary acts or constitutions.* By the first, *Garter cannot claim*, because, that office *had not a beginning* till the time of king

Henry V. ; and for the latter, let him show that can find it : the committee return a *non est inventus* ; and they think their search has been so exact, as may excuse your lordships from the trouble of a *melius inquirendum*.

“ In the time of Henry VIII. the eldest son of the then duke of Norfolk was, by that king, created earl of Surrey, when his father, the duke of Norfolk, sate in parliament also. The said earl contended with some others for precedency, as being the eldest son of a duke : the matter was debated before the lords, but, before a decision, the earl submitted, and signified it by the lord chancellor, to take his place only by creation ; which shows there was no introduction used in those days ; for, had there been, that earl could not have been to seek where he ought to sit : 'tis true, *the use hath been upon creation*, and sometimes to such *as come in by descent*, to bring in their writs of summons. The *mistake of that*, (for the introducing of the persons might give *some shadow*,) to delude such eyes as were willing, with *Æsop's dog*, to catch at any thing for their own advantage.”

Upon the whole, the committee were of opinion *nem. con.* ; which was agreed to by the house, and ordered accordingly ; *viz.*

First : “ That all peers of this realm by descent, being of *the age of twenty-one*, or upwards, have right to come, and sit in the house of peers *without any introduction*.

Second : “ That no such peers ought to pay any fee or fees to any heralds, upon their first coming into the house of peers.

Third : “ That no such peers may or shall be introduced into the house of peers by any herald, or with any ceremony, though they shall desire the same.”

By the second of these resolutions it is noticeable, that the age of twenty-one is mentioned as the age when peers are capable of being admitted to take their seats ; yet, in 1667, the earl of Mulgrave, being under that age, had a writ of summons to parliament. This led the house to address his majesty, to beseech him *to be sparing of writs of this nature for the future* ; and the subject was referred to the Committee for Privileges, to report thereon.

* Journ.
Dom. Proc.
Vol. XIV.
p. 10.
† Ibid.

It was, however, finally ordered, that “No lord under the age of twenty-one shall be permitted to sit in this house.”*

Every peer claiming, by virtue of a special limitation in remainder, and not claiming by descent, shall be introduced. This resolution† was ordered the 28th of June, 1715.

‡ Ibid.
Vol. IV.
p. 57.

On restitution, introduction seems necessary. In 1640, the 16 Car. I., the lord Audley was introduced with ceremony,‡ between the lords Strange and Newnham Paddox; and, as it was upon restitution, his patent was thought fit to be read, which was tested 3rd June, the 9 Car. I.

§ Ibid.
Vol. III.
p. 782.

The nobility of this kingdom, and lords of the upper house of parliament, are, of ancient right, to answer or be examined in all courts, upon *protestation of honour* only, and not upon the common oath. This resolution was made a standing order of the house, 6th May, 1628;§ recognized again 31st Dec. 1640, and likewise in 1667.||

|| Ibid.
Vol. XII.
p. 135.

On one of these occasions, the king, having been attended upon by the Lords’ Committee of Privileges, his Majesty was pleased to ask their lordships which they considered to be most binding upon their conscience, to answer upon oath, or upon honour? Their lordships replied, *to answer upon honour*: thus most delicately expressing, how much their words were to be appreciated before the *oaths of common men*! (bb)

REMARKS WITH REGARD TO THE TRIAL OF PEERS.

¶ 2 Inst. 50.

In the time of William the Conqueror, the earl of Hereford, for conspiring to receive the Danes into England, and depose the king, was tried by his peers, and found guilty of the treason,¶ *per judicium patrui suorum*. In the time of Edward II., Edmund, earl of Arundel, was beheaded and attainted without trial; but Richard, his son, in the following reign, was

(bb) Quære, this the origin of the adage, *My word is my bond*?

restored to his father's earldom : and the lords declared, that earl Edmund had been put to death illegally, not having been tried by his peers, according to the law and *Magna Charta*.*

In the reign of Henry VI. the duke of Suffolk, being accused of high treason by the Commons, put himself upon the king's grace, and not upon his peers, and the king alone adjudged him to banishment : but he sent for the lord chancellor, and all the lords that were in town, to his palace at Westminster, and also the duke, whom, in their presence, he ordered to quit the kingdom. The lords, however, entered a protest to save the privilege of their peerage, as the act of the king was deemed an illegal sentence of banishment, made extra-judicially, and without any lawful trial.

The case of the lord Cromwell, in the time of Henry VIII., was particularly extraordinary, inasmuch as he was attainted in parliament, and condemned and executed, without being allowed to make any defence.

In Salkeld's Reports, it is stated,† “ that a person petitioned the lords in parliament to be tried by his peers : the lords disallowed his peerage, and dismissed his petition ; ” and it was held in this case, that the defendant's right stood upon his letters patent, which could not be cancelled but by a scire facias, and that the parliament could not give judgment in a thing which did not come in a judicial way before that court.‡ This was in the case of Mr. Knollys claiming to be earl of Banbury, (temp. William and Mary. §) But the report in Salkeld is not correct ; inasmuch as the lords did not disallow his peerage, the petition not calling upon them to decide upon the question of right ; but, by reason that the house of lords had no original jurisdiction over the right of a peerage, except incidentally, as for purposes of privilege and precedence, and could not take judicial cognisance of such a right, without delegation, by reference from the king, on petition made to his majesty by the claimant, the house dismissed the petition before mentioned, because it was not made for an adjudication on the petitioner's right to the Banbury earldom, but was merely for his being tried as a peer, a rank to which he had not previously been admitted, and which was, in fact, a point not established, and not on the journals of the house.

On the trial of peers in criminal matters, all the peers, who have a right

* Mag. Ch.
c. 29.
15 Edw. III.
c. 2.

† 3 Salk.
243.

‡ 2 Salk.
510.

§ An. 1692.

to sit and vote in parliament, are to be duly summoned twenty days at least before the trial, to appear and vote at the same ; every such peer first taking the oaths required by the act 1 Will. & Mary, &c. When the peer has been indicted for the treason or felony, before commissioners of oyer and terminer, or in the King's Bench, if the offence be committed in Middlesex, then the king, by commission under the great seal, constitutes some lord (generally the lord chancellor) lord high steward ^(cc) or judge for the particular occasion : and the peers of the realm are, by the commission, commanded to be attendant on him, as also is the lieutenant of the tower of London, with the prisoner. A certiorari is awarded out of the Chancery, to remove the indictment before the high steward ; and another writ issues to bring the prisoner, and the lord high steward makes his precept for that purpose, assigning a day and place, as in Westminster-hall, inclosed with scaffolding, &c. ; and for summoning the peers, who are to be twelve, and above, at least present. At the door, the high steward takes his place under a cloth of state ; his commission is read by the clerk of the crown, and he has a white rod delivered him by the usher, which being returned, proclamation is made, and command given, for certifying the indictment, &c. and for the lieutenant of the tower to return his writ, and bring the prisoner to the bar : after this, the serjeant-at-arms returns his precept, with the names of the peers summoned, who are called over, and answering to their names, are recorded, and take their seats accordingly. The ceremony thus adjusted, the high steward declares to the prisoner the cause of the court's assembling ; the clerk of the crown reads the indictment, and arraigns the prisoner ; and the high steward delivers his charge to the noble jurors. This being over, the king's counsel produce their evidence for the crown, and if the prisoner has any matter of law to plead, he shall be assigned counsel ; but if he pleads Not guilty, and has nothing further to allege, he is not allowed counsel ; for the

(cc) This office was anciently annexed to the tenure of the manor of Hinckley, in Leicestershire, and came to the crown with the earldom of Leicester in the person of Henry duke of Lancaster, afterwards king Henry IV. On the trial of the earl of Strafford, (temp. Car. I.) the lord steward of the king's household was appointed and sate as lord high steward.

court is considered to be all-component in that respect, and impartial and just in its adjudication.

After the evidence is closed on the part of the king, and the prisoner's defence is heard, he is withdrawn from the bar, and the lords, who are triers, retire to their own chamber, to consider of the evidence: but the lords can admit of no evidence otherwise than in the hearing of the prisoner: they cannot have conference with the judges (who attend upon the lord high steward, and are not to deliver their opinions before hand,) but in the hearing of the prisoner; nor can they send for the opinion of the judges, or demand it, but in open court; and the lord high steward cannot collect the evidence, or confer with the lords, but in the prisoner's presence, who is at first to require justice of their lordships, and that no question or conference be had only before him. Nothing is to be done in the absence of the prisoner until the lords come to consider of their verdict; and then, if they retire, they are to be together, as juries are, till they are agreed.

When they return into court, and take their places, the lord high steward publicly demands (beginning with the puisne lord) whether the prisoner be guilty or not of the charge whereof he stands arraigned.

Their lordships having answered, *upon their honour*, and the prisoner having been found guilty by a majority of votes (more than twelve), is brought to the bar again, when the high steward acquainting him with the verdict of his peers, gives judgment, and passes sentence accordingly: after which, an *O yes!* is made for dissolving the commission, and the white rod is broken by the lord high steward, and the solemn and august court is broken up.*

The lord high steward does not vote himself on a trial by commission, but only on a trial by the house, while the parliament is sitting. When a peer is tried by the lords in full parliament, the house may be adjourned as often as there is occasion, and the evidence may be taken by parcels; and it has been adjudged, that where the trial is by commission, the lord high steward, after a verdict given, may take time to advise upon it; and his office continues till he has given judgment. But the lords triers may not separate upon a trial by commission, after the evidence is given for the king; for it has been resolved by all the judges, that the peers, in such case, must continue together till they agree to give a verdict. †

* 2 Hawk.
P. C. 421,
422, &c.

† State
Trials,
Vol. II.
p. 702;
Vol. III.
p. 657.
2Hawk.425.

A peer of the realm, arraigned in parliament, must be tried before a lord high steward, and, if he appear not, he shall be outlawed : and he cannot waive a trial by his peers ; for, if a peer, on arraignment before the lords, refuse to put himself upon such trial, he shall be proceeded against, as one who stands mute. But, if one, who has a title to a peerage, be indicted and arraigned as a commoner, and plead not guilty, and put himself upon his country, it hath been held, that he cannot afterwards suggest that he is a peer, and pray trial by his peers.*

* 3 Inst. 30.
Kel. 57.
Dalis. 16.

The sentence against a peer for high treason, is the same as against a common subject, though the king forgives all but beheading, which is a part of the judgment. For other capital crimes, beheading is also the general punishment of a peer, which is by the special grace of the king, and not *ex debito*.† Thus, in the 33 Hen. VIII. the lord Dacres was attainted of murder, and had judgment to be hanged. Also, in the 3 & 4 Phil. & Mary, the lord Stourton, for a like offence, had the same judgment ; which sentences were both executed. And the 34 Geo II. Lawrence, earl Ferrers, was hung at Tyburn for the murder of his steward. If execution be not performed, the lord steward may by his precept command it to be done.‡

† Brook,
tit. Jury, 48.

‡ 3 Inst. 31.

When a peer of the realm is arraigned in appeal of felony, he shall not have the privilege to be tried by his peers, as he should in case of indictment, but must undergo the ordinary trial§ of twelve men. Also, in case of indictment, though a peer of the realm, he may not challenge any of his triers, either peremptorily or upon causes, which, in like case, is permitted to all other common persons.

§ Stamford
Pleas of the
Crown,
lib. 3. c. 1.
Brook, 142.
FerdinPoul-
ton, 188. b.
Book of
Entries, tit.
Appeals,
sect. 7.

FORM OF THE PROCEEDINGS ON THE KING'S WARRANT FOR SUMMONING OF A PARLIAMENT.

The king, by his prerogative, has in himself the power of summoning, as also to appoint the times of beginning, continuing, discontinuing, or dissolving of parliaments.||

|| Pettus on
Parliament,
edit. 1680.

This summoning is performed by the king's warrant, in his name ; and

by his authority ; and from this warrant all writs of summons for a parliament are derived.

The warrant is in English, signed by the king's own hand, and sealed with his privy seal, or signet. But the writs are always in Latin, (or anciently some few in French,) and are sealed with the king's great seal in his name, with a teste of his approbation, though not manually signed or sealed by him.

The warrant is general; *viz.* for summoning the nobility : as also, for the election of knights, citizens, and burgesses. But the writs derived from these warrants are to particular persons, of particular degrees. Before this warrant was issued, the kings advised with their privy council, which is manifested by the words of the warrant ; *viz.* “ *Whereas We, by our Council, &c.*” Yet, if these words had been omitted at any time, the warrant was still held good and sufficient for due summons.

The council so called privy, is the king's constant or standing council, as well in time of parliament as when there is none sitting : so as before a parliament is summoned, this privy council consults and deliberates concerning the motives and reasons for calling it ; and, after such deliberation, advises the king to issue the warrant.

After the warrant is signed and sealed by the king, it is sent from the Signet office to the lord chancellor, or lord-keeper, who, upon receipt thereof, issues out his warrant : also to the master of the Rolls, who likewise, upon receipt thereof, (as the chief clerk of the Petty Bag office,) by the assistance of the former precedents, of writs, (and formerly by the help of the masters in Chancery,) and by advice with the heralds as to titles and true names of persons, causes a schedule or digest of form of writs to be issued.

This schedule or digest is fairly engrossed on parchment, as a record in this office ; and this record is then entitled *The Parliamentary Pawn*, which is, as it is said, the awarding of several writs for a parliament.

Formerly these *pawns*, or *records*, some time after the dissolution of every parliament, were carried to the Inrollment office, and then, among many other parliamentary matters, *transcribed* into parchment rolls, and from thence, for more safety, carried to the Tower, where they lost *the*

name of pawns, and were, and are still called Parliament *Clause* (or close) Rolls.

It is to be observed, that, in the writs to the dukes, they were summoned to be present in parliament, *cum magnatibus et proceribus*; and so are the marquesses, earls, viscounts, and barons: yet the patents to the dukes place them, *inter procures et magnates*, or lords,—putting *procures* or *peers* before *magnates* or *lords*. And in the patents to marquesses, they are placed, *inter alios marchiones*; the earls, *inter alios comites*; the viscounts, *inter alios vicecomites*; and the barons, *inter alios barones*.

But none of the lords *patentees*, (except the dukes, in relation to their places,) take any notice of the position *inter procures et magnates*. For the earls' and barons' patents have reference only to *their own degrees*, and not to the three other degrees; so as *procures* or *peers* is applied, as it would seem, only to the dukes, in their patents of creation.

FORMULÆ OF PRACTICE ON CASES OF PEERAGE CLAIMS BEFORE THE ATTORNEY-GENERAL AND THE LORDS' COMMITTEES OF PRIVILEGES.

On all cases of claim to the peerage dignity, a petition to his Majesty must be presented by the claimant at the office of the Secretary of State for the Home Department, who endorses thereon an order of reference from his Majesty to the Attorney-general, which is usually made in the following words; *viz.*

“ Whitehall, ———.

“ His Majesty is graciously pleased to refer this Petition to Mr. Attorney General, to consider thereof, and report his Opinion what may be properly done therein: whereupon, his Majesty will declare his further Pleasure.

“ SIDMOUTH.”

But, though this is the general practice of the present day, it was not

always so ; for some petitions made formerly, were referred by the king to special commissioners, as in the Wahul and Berner's cases, (temp. Jas. I.) In the Berner's case, anno 1717, to the Earl Marshal, and also to the Attorney-general ; and sometimes to the Lords' Committees for Privileges, as in the Roos and Fitz-Walter cases, annis 1666 and 1667 ; and in the barony of De Clifford, anno 1690.

In the instance of Mr. Wymbish, claiming to be (by curtesy) lord Taylboys, king Henry VIII. himself, with the two chief justices—Dr. Gardiner, bishop of Winchester, and Garter King of Arms—heard, and decided upon the claim.*

The petition should set forth the nature of the creation of the title claimed, and the course of descent through which the claimant assumes to be heir, which heirship must not be to the person last seised of the honour, but to the person first ennobled, unless there are special limitations in the patent, or charter of creation, in which respect, the said limitations or entail must be specifically noticed and followed.

After the reference has been made to the Attorney-general and the order left in his office, he is attended (upon an appointment made) by the counsel and agent of the claimant, and the evidence is submitted to his consideration : before him, office-copies of public records, wills, &c. are sufficient ; copies of parochial registers, signed by the ministers, and monumental inscriptions, &c., certified by affidavit of the persons who made them, are received.

Extracts from the archives of foreign monasteries, &c. were admitted in the Beaumont and Stafford cases, upon the oath of the person who had made them, that they were correctly and faithfully taken. A monumental inscription, once existing in a monastery in France, was allowed (in the Beaumont case) to be read from a printed book, entitled, "*Memoires des Constitutions des Benedictins Anglois*," on its being proved, that there was still remaining in the said monastery a stone, on which, though then applied to other purposes, and in great part defaced, were still legible letters exactly corresponding with the incipient letters of several lines in the printed inscription.

Depositions on oath have been received by the Attorney-general ; † inas-

* Collins's
Parl. Prec.
p. 11.

† Somerset
case, cum
mult. aliis.

much as that officer can neither examine parties on oath, nor compel the attendance of reluctant witnesses. But depositions are not receivable before the house, where the parties are alive, and are under no incapacity of attending; for their attendance can be enforced by the order of the house.

Where a second petition is presented and referred, though no new matter is alleged, it has been decided, that the Committee of Privileges could not be guided by what had been done by any former committee, and, therefore, that all the evidence must be given again, except in the case of parole testimony, where the witness was dead; and then, upon proof of such death, the former evidence might be read. Thus, Mr. Stapleton having received the opinion of the house of lords, that he was not sole heir to the barony of Beaumont, claimed by him on the ground that the blood of the other co-heir was attainted, and, as such, dead in law, the same as if the party had died without issue,—presented a second petition, to be declared one of the two co-heirs: the petition, like the former, was referred, first to the Attorney-general, and then to the house of lords, when their lordships resolved as before mentioned.*

* Journ.
Dom. Proc.
1795-6.

† Printed
case, Cor.
Dom. Proc.

On the Berkeley peerage claim,† in 1810, the Attorney-general (sir Vicary Gibbs) thus expressed himself in his report; *viz.* “ I was also informed, that the petitioner had much *parole testimony* to bring forward, for the purpose of explaining the fact of this second marriage, and establishing the validity of the first. Under these circumstances, *having no power to examine* the witnesses, who might be called before me, *upon oath*; and seeing that, *without such an examination*, the validity of the first marriage, upon which the claim of the petitioner altogether depends, cannot be brought to a satisfactory decision, I have followed the usual practice of my predecessors in office, where the case before them has been attended with doubt or difficulty, and humbly advise your Majesty to refer the annexed petition to the house of lords.”

From this inability to examine upon oath, it is manifest, that depositions are the best evidence of parole testimony, which, in the first instance, can be brought forward; for, although the parties are not liable to an indictment for perjury on a voluntary affidavit, yet the solemn manner in which the affidavit is sworn, cannot but be considered as a correct and deliberate

declaration of the deponent's knowledge of the points in question, and, consequently, more satisfactory than a personal examination, where no oath can be administered. These depositions being left with the Attorney-general, they are (provided the case goes before the house of lords,) afterwards required to be verified before the Lords' Committees of Privileges; and the deponents being then sworn at the bar of the house, are examined as to the facts asserted by them, and thenceforth, on prevarication, are open to indictment. In the Berners' case,* the house being informed that colonel Thomas, earl, was at the door, and desired *to prove his affidavit* of the death of captain Thomas Glemham, in order to be made use of at the Committee of Privileges (to whom the claim was referred), he was thereupon called in, and *owned the same upon oath at the bar*, and then withdrew.

* May 2,
1720. Cor.
Dom. Proc.

The report of the Attorney-general may, in some instances, be final and conclusive, as was that of sir Samuel Shepherd on the claim of Mr. Hastings to the title of earl of Huntington in 1819; and of sir Robert Gifford in 1823, on the claim to the title of lord Dormer.

When the Attorney-general reports for a further reference to the house of lords, the form of granting it is thus; *viz.* "His Majesty has been pleased to refer the said petition, together with the said report of the Attorney-general, to the right honourable the House of Peers, to examine the allegations thereof, as to what relates to the claimant's title therein mentioned, and to inform his Majesty how the same shall appear to their lordships."

After this reference, and the same has been moved in the house of lords, and by them referred to their Committees for Privileges, the claimant's printed cases, signed by two counsel at least, must be sent to the clerk of parliament for the use of their lordships, fourteen days before the sitting of the committee: their lordships are then to be moved, on petition, to appoint a day for hearing the case in their committees; on this occasion, original wills, the parish register-books, and the records from the public offices, must be all produced by some officer from the respective depositories, and an order of the committee should be moved for, to be served on the respective parties for their attendance, and production of the original

ORIGIN OF NOBILITY.

documents and instruments wanted. The usual form of an order of this kind, is as follows :—

“ Die —, 18 .

“ Ordered by the Lords Spiritual and Temporal in Parliament assembled, that the Reverend — do attend on — next, to be sworn, in order to give Evidence, and produce the original Registry-Books of Baptisms, Marriages, and Burials of —, on — next, before the Committee for Privileges, to whom the petition of —, claiming the Barony of —, with his Majesty’s Reference thereof to this House, and the Report of his Majesty’s Attorney-general, thereunto annexed, stands referred.

A. B. Cler. Parliamentor’.”

When the counsel for the claimant has opened the case, the evidence on his behalf has been completed, and his counsel has summed up the same, the Attorney-general (who always opposes on the part of the crown), is heard in answer thereto, and when he has concluded his objections, the leading counsel for the claimant makes his general reply.

Whereupon their lordships, having considered as well of what was offered by the petitioner’s counsel, as by the counsel on his Majesty’s behalf, and the several proofs adduced on the case, resolve that the petitioner has, or has not, proved his claim, and has, or has not, a right to the peerage in question. This report having been read, and agreed to by the house, it is then resolved and adjudged by the lords spiritual and temporal in parliament assembled, that the said *A. B.* hath a right, or not, to the said barony of *C*—.

It is then ordered, that the lords with white staves attend his Majesty with the said resolution and judgment, who, having so done, afterwards report to the house his Majesty’s approbation of their lordships’ resolution and judgment.

REFERENCE TO CASES AT COMMON LAW, &c. AS TO POINTS OF
EVIDENCE IN SUPPORT OF PEDIGREE.

1. Exemplifications of letters patent, 3 Woodd. 324, 3 & 4 Edw. VI. c. 4; 13 Eliz. c. 6.

2. Grant of land before inquisition void, 18 Hen. VI. c. 6.
3. Bankruptcy does not affect the estate, 21 Jac. I. c. 19. s. 12.
4. A general history of a public matter. Woodd. 322 ; 1 Salk. 281 ; Skin. 15. 624 ; 12 Mod. 86 ; T. Jones, 164 ; Burn's Ind. 155. pl. 3 ; Bull. N. P. 248.
5. The rolls or ancient books of the Herald's office. 1 Salk. 281 ; T. Jones, 224 ; Cowp. 63 ; Str. 161 ; 3 Woodd. 321 ; Bull. N. P. 248.
6. The original will or ledger-book, proof of relationship. Raym. 744 ; Bull. N. P. 246.
7. Proof of heirship to person last seised. 8 Co. 88. b. ; Bull. N. P. 116.
8. Comparison of hand-swritings and seals. Bull. N. P. 236 ; Hard. Ch. Dec. 1746 ; Mod. 117 ; Lev. 25 ; Palm. 427 ; Bac. Abr. 660 ; Bull. N. P. 252 ; 3 Woodd. 329. By inspectors of franks. 4 T. R. 497 ; 4 Esp. 117.
9. Affidavits of persons deceased, where extra-judicial and the party deceased. Str. 35 ; 3 Woodd. 311. Where Hearsay, and the party refused to be sworn. 2 Term Rep. 203-4. n. ; 3 Woodd. 311. n.
10. Declarations of uninterested persons who are dead. Burr. ; Settl. Cases, 243. 701 ; 3 Term. Rep. 720, *Ashurst, j.* ; 2 Bac. Abr. 663.
11. Declarations of members of a family, and others who are intimate. 3 Term Rep. 721, *Kenyon, c. j.*
12. Entries in bibles, and tradition. 1 Cowp. 591-10 ; East, 120, *Le Blanc, j.*
13. Hearsay and reputation. Bull. N. P. 294 ; 3 Term Rep. 709, *Grose, j.* ; 3 Term Rep. 719, *Buller, j.* Though from a stranger. 15 East, 293. By a relation.
14. Letters of a steward deceased, to explain a deed. 1 Barn. & Ald. 247.
15. Documentary, wills, declarations of relations. 18 Ves. 445, *Eldon, C.*
16. Secondary evidence. 13 Ves. 143, *Erskine, C.*
17. Presumptive in matters of antiquity. 12 Ves. 265-6, *Erskine, C.* Of enfranchisement against, and grant from the crown, 11 East, 280. 488 ; Cowp. 102, and 1 Fonbl. E. 329 ; Cowp. 217 ; Burr. 433. Of formal ceremonies ; as Livery, &c. 2 Freem. 106, and 1 Vern. 32. 195 ; 2 Vern. 516 ; 3 Brown. 516 ; Cowp. 595 ; 2 Bac. Abr. 660. Of death without

issue. 1 Black. Rep. 404 ; 2 Black. 1228 ; 1 Term Rep. 270 ; 4 Term Rep. 682 ; 11 Ves. 350.

In the Huntingdon peerage claim before the Attorney-general, letters from a former earl to the then claimant's father, *proved by comparison of hand-writing with the signature to the will of the same earl*, were received in evidence. Also, the affidavits of a stranger, as to the reputation of the county in favour of the claimant's descent and family connexion, were received as evidence to confirm the pedigree, and the like affidavits to prove other facts.*

* Bell's
Earld. of
Hunts, pp.
348-359.

It may not be irrelevant to observe, that the same rule, with regard to evidence, has not been followed by every Attorney-general ; one sometimes requiring what his predecessor had rejected.

AN ACCOUNT
OF
DIVERS EMINENT PERSONS,

WHOSE NAMES ARE MENTIONED IN DUGDALE'S PRINTED LIST OF SUMMONS
TO PARLIAMENT; BUT WHOSE FAMILIES ARE NOT NOTICED
IN THE BARONAGE, OR PEERAGE HISTORY, OF
THAT CELEBRATED HERALD.

Preliminary Observations.

In presenting to the public the following account of some very eminent persons, of whom no mention has been hitherto made in any genealogical work, it is to be observed, that sir William Dugdale, in his Preface to his celebrated Baronage, has stated; *viz.*

“ But to point out who they were that had their first rise by writ of summons until* the 22 Edw. I. and afterwards, passeth my skill, there being no public record that doth make mention of them till then, excepting (^{dd}) that of 49 Hen. III., which only taketh notice of those who were in the king's name summoned by the rebellious barons to that parliament which they held, whilst he was their prisoner.

(^{dd}) The writ of the 45 Hen. III., with the names of those who were then summoned to attend a parliament or great council, called by the king to meet at London, presents rather a disapproval of this assertion with regard to the silence or deficiency of the public records.

“ Perhaps it may be doubted by some, whether every family, of whom I have discoursed in this first tome, were strictly barons by tenure or not, because nothing doth appear by inquisition, of some, that they held by barony, or by any other memorial of their reliefs ; to satisfy, therefore, the curiosity of such, I say, that, having found, from the notes of some former judicious antiquaries, that they were so reputed, I deemed it a safer error to take notice of them in that qualification, than by their omission tacitly to conclude them otherwise.”

Now, by these precursory remarks, it is evident, that Dugdale was by no means ascertained as to *the quality* of the parties forming the subject of the early part of his history, and has therefore given place to some who probably had no right to such distinction ; while he has omitted others who ought to have been noticed, and has done all this at the same time that he was giving reasons for making, as it were, *a general comprehension* of baronial families.

On referring to divers persons mentioned by that famous herald, it certainly will be evident, that several of them had less reason for being treated of, than some of those who stand mentioned in the following pages, for being passed over in silence by him. Indeed, it is not a little singular, that sir William should have recited, in what is termed his *Lists of Summons to Parliament*, many writs, as the 24, 26, & 29 Edw. I., the 1 & 35 Edw. III. (which, in fact, are only writs of service), while he has left out innumerable others between the 6th of king John, and 22 Edw. I., which were equally as much entitled to have been set forth. If he meant to intimate that those persons who had summons, from 49 Hen. III. and 22 Edw. I. had their writs addressed to them in the character of barons, then ought they to have been noticed by him in such character : but, if the writs of summons were not addressed to them in the said degree, and were not summonses to parliament, but merely summons of service, then were they as irrelevant to recite, as those which for that cause previous to 49 Hen. III. he has suppressed.

Thus, in his said lists, he has not given that writ of 45 Hen. III., by which the king summoned his faithful nobles to assemble at London, to consult with him upon the then perturbed state of the nation, and to do

those things which might be most expedient and fitting for the occasion ; which summons not only has the names of those persons who by the consimilar writ were required to attend, but has words of legislation in it, which are not contained in those of the 5, 24, 26, and 29 Edw. I., or of the 1 and 35 Edw. III.: the copy of the writ itself will, however, best explain its import and nature.

Anno 45 Hen. III. Rot. Claus. m. 3. Dorso.

“ Rex Willelmo de Bello Campo de Aumel, salutem mandamus vobis in fide & homagio quibus nos tenemini firmiter injungentes quod omnibus aliis premissis ad nos sitis Lond. in crastino Apulo Simonis & Jude absque dilone ulterius cum equis & armis & cum posse vestro tam de servicio vestro nobis debito quam de subvenção amicorum vestrorum pro quibusdam urgentibus negociis personam nostram specialiter & statum corone nostre contingentibus. Et hoc sicut de vestra fidelitate & delectatione confidenciam gerimus, specialem nullatenus omittatis. Quia subvençãoem quas nos & corone nostre propter servicium nobis debitum ad presens fecistis in consequenciam trahi nolumus, nec vobis per hoc ullo tempore derogari. Taliter vos heatis in hac parte quod decem die absque defalta ad nos sitis, ita quod vobis exinde perpetuo teneamur ad grates. T. R. apud turrem Lond. xvij die Octobris.”

Eodem modo mandatum est :

Pho Basset	Rado Gernun
Willelmo Mauduit de Hamslep	Rado Basset de Sapecoit
Henricus de Pynkeny	Robo de Tatteshal
Willelmo Marescallo	Henricus Engayne
Robo de Scto Johe	Roço de Maubray
Reginaldo de Pavely	Petro de Malo Lacu
Ricco de Munfichet	Joñi de Baillol
Maur de Berket	Andr. Lutterel
Ricco Basset de Weldon	Thom de Furniva
Hug de Nevill	Hug. de Cressy
Walto de Dunstavill	Watt de Wahull
Joñi de Muscegros	Rado Basset de Draiton

Wiffo de Oddingesel	Rofo de Ros de Belvo
Watto de Clifford	Gilfo de Gaunt
Huẽ Peverell de Saunford	nº Rogfo Bertram de Bothal
Wiffo de Wilton	nº Petro de Brus
Hamõĩ de Creucquer	Wiffo de Munchenesy
Rado de Kameys	Wiffo le Blund
Andr Pevel	Jacobo de Paunton
Henr de Novo Burgo	Henr de Erleye
Almarico de Scõ Amando	Rofo de Bello Campo
Pfo de Arcy	Henr de la Pomeray
Wifmo de Sey	Henr de Hasting
Jacobo de Aldithel	Fulcõĩ fil. Warini
Ricõ de Grey	Wiffo de Monte Canisio
Joĩi Extrneõ Senior	Nicõ Poynz
Rofo de Nevill	Joĩi de Baalun
Nicõ de Bolteby	nº Rofo de Caunvill
Ricõ de Tani	Wiffo de Breus
Wiffo de Kaynes	Reg? fit Petri
Wiffo de Furnivall	Thomã Corbet
Nicõ de Bolevill	Fraçõĩ de Boun
Rofo Aguyun	Rofo fit Nicõĩ
Wiffo de Harecourt	Ade de Novo M?cato
H. de Ver, com. Oxon	nº Rado le Botyler
Wiffo le Moyne	Wiffo de Ros
Philippo Marmyun	nº Rog? Bertam de Mideford
Rofo Tregoz	Hugẽ de Bolebek
Griffio fit Wennuwen	nº Gilfo Hansard
Henr? de Tracy	Wiffo de Huntingfeud
Joĩi Giffard	Rofo de Ferar
Gilfo Peche	Matõ Loveyn
Rado Saunza	Baldewino de Insula, com. De-
Rado Musard	von
J. de Plesset	Humfrõ de Bohũ, com. Heref.
Wiffo Bardulf	nº Guidõĩ de Brunie

Joñi de Curtenay
 Rog^o de S^co Joñe
 Joñi de Wauton
 Egidio de Clifford
 Ade de Peryton
 Galf^o de Maundevill
 Joñi fil^o Alani
 Ade le Despens^o
 Rado de Gorges

Arnaldo de Bosco
 Joñi fil^o Phi
 Roño Ve^oti Ponte
 Hen^o de Percy
 Willo de Hun^otcūbe
 R. de Quency, com^o Winton.
 Anke^o de Freschenvill
 Baldewino Wak'.

R^o Abbi de Burgo S^ci Petri satm mandam vo^o in fide & dileco^one quibz
 no^o tenem^o fmi^o injungentes q^od omibz aliis p^otermisiss mittatis no^o s^oviciū
 v^orm quod no^o debetis. Ita q^od sit ad nos in crastino S^ci Martini absq^o
 defalta p^o quibzdam urgentibz negociis psonam n^oram speciali^o & statū
 regni n^ori tangentibz. Et hoc sub debito fidelitatis qua no^o tenem^o
 nullaten^o omittatis. T. ut s^o.

Abbi de Rammiseye
 Abbi de Thorneye
 Abbi de S^ci Aug^otini Can^o
 Abbi S^ci Albani
 Abbi de Bardeneye
 Abbi de Tavestok'
 Abbi S^ci Edmundi
 Abbi Westm
 Abbi de Certes'
 Abbi de Hida
 Abbi de Colecest^o
 Abbi de Bello
 Abbi Abbotisbi^o
 Abbi de Winchecūbe
 Abbi de Psore
 Abbi de Evesham
 Abbi de Osñ
 Abbi de Dunstaplt

Abbi S^ci Benedc^o de Hulm
 Abbi S^ci Petri Glouc.
 Abbi de Malmisbi^o
 Abbi de Schireburn
 Abbi de Middiltoñ
 Abbi de Rading
 Abbi de Michilney
 Abbi de Abendon
 Abbi de Cerne
 Priori de Covent^o
 Abbi Ebo;
 Abbi de Eynesham
 Abbi de Witeby
 Abbi de Croiland
 Abbi de Waltham
 Abbi Cestr
 Abbi Salop
 Abbi Leic'.

* Holins-
hed's Chr.
Vol. II.
p. 454-460,
new edit.

That these writs of summons were to parliament, is rendered evident from the following notice made by Holinshed,* of the circumstances attendant upon that affair; *viz.*

Anno 45 Hen. III. A.D. 1261.

“ After Christmas, the king coming into the Tower of London, fortified it greatly, and caused the gates of the city to be warded, *sending forth commandment to the lords* that they should come to the Tower, there to *hold a parliament*: but they flatly denied so to do, sending him word, that, if it pleased him, they would come to Westminster, where usually *the parliament* had been kept, and not to any other place. Whereupon there rose great dissensions between him and his barons.”

The nature of this writ being considered, with the observations of Hollinshead upon it, there appears every reason to conclude, that the persons to whom the same was addressed, were then reputed *as nobles of the realm*; which, if so,—(for what other persons could be summoned to parliament by the same writ *singulatim* as the lords?)—there seems no reason why Dugdale should have passed over this writ in his lists of summons, while he has thought fit to notice such writs as the 5 Edw. I. and 1 & 35 Edw. III., which merely, in the two first cases, were *writs of service*; and in the last instance, was a *convention of a council* for a *particular and distinct occasion*, in relation to the affairs of another kingdom.

The following is the copy of a writ of summons, mentioned in Dugdale's list, whereby certain persons, to whom the same was addressed, were required to give their attendance at a great council, summoned to meet at Newcastle-upon-Tyne, anno 24 Edw. I.; *viz.*

Claus. in Dorso. m. 12.

“ Rex dilecto et fideli suo Rog^o le Bigo't, com' Norff' et Maresc' Angl' salutem. Quia Joannes Rex Scotiæ aliqua contra fidelitatis suæ debitum, in læsionem coronæ regni nostri, ad quam integram et illæsam conservandam et defendendam, sacramenti vinculo astricti estis, jam de novo (ut accessimus) perpetravit; per quod ad partes Scotiæ in brevi, iter arripere

intendimus, ad apponendum contra hujusmodi perpetrata remedium, quod de nostro consilio viderimus opportunum; vobis mandamus, rogantes in fide et dilectione quibus nobis tenemini, firmiter injungendo: quatenus primo die mensis Martii proximo futuro sitis ad nos apud *Novum Castrum super Tynam*, cum *Equis et Armis*, quantò decentiùs et honorabiliùs poteritis parati, et prompti, *ad faciendum ea, quæ tunc temporis de nostro consilio* duximus injungendum, ità quòd vobis inde grates referre meritò teneamur; quid autem super hiis duxeritis faciendum nobis quàm citiùs nuncieritis. Teste Rege apud Westm' xvj. die Decembris."

Consimiles literæ diriguntur subscriptis; viz. &c.

Now, of thirty-seven persons to whom these consimiliar letters or writs were addressed, the twenty-two names hereafter mentioned, are unnoticed by sir William Dugdale in his History of the Baronage of England.

Roberto filio Walteri (de Daventre)	Radulpho filio Bernardi
Roberto Hastings	Almarico de Nodariis
Johi Peyvre	Laurentio de Pavelly
Richardo de Coleshull	Johanni de Pabenham, jun.
Willielmo Bouteveleyn	Johanni de Morteyn
Waltero de Pavilly	Roberto Russell
Galfrido de Stowey	Ranulpho de Ry
Johi Cogan	Thomæ de Wyneslee
Radulpho Wake	Nicholao filio Radulphi
Richardo de Wyndesor	Richardo de Ken
Roberto de London	Johanni de Acton

Having thus stated the names of those persons who are unnoticed in Dugdale's Baronage, but to whom writs of summons consimilar to that addressed to Roger Bigot, earl of Norfolk, was directed as before mentioned in the 24 Edw. I., it remains to make a few observations upon the writ itself.

By the 17th & 18th Articles of Magna Charta it is stipulated and conceded, that the *great barons*, upon all occasions of summons, shall be

called together by the *king's writ*, addressed to them *singulatim*; but that the other *tenants in capite* shall be summoned by *the king's writ*, addressed to the *sheriff of the county*.

Now, it appears that, on this particular occasion, the *Exemplar writ* was addressed to *Roger Bigot, earl of Norfolk*; and the *Consimilar writs* were directed to some certain persons who are noticed by Dugdale as *barons of the realm*; and to certain other persons, who, although *unnoticed* by Dugdale, in his *Peerage History*, as *barons*, are yet, nevertheless, included in the same list, as *those very barons' peers*.

From this circumstance it would seem, that the parties in question were either actual barons, or had the reputation of being such: and this point obtrudes itself as so much the more evident, because divers other persons in the capacity of great landholders are on the very same occasion required to give their attendance at Newcastle-upon-Tyne, by virtue of a *general precept*, thus* set forth; *viz.*

* Dugdale's
Lists Sum.
p. 16, 17.

“ Sub eâdem formâ scribitur *magistro Willielmo de Bosco*; sub istâ tamen mutatione; quòd ubi dicitur *suprà scriptis, quòd sint, &c.* Scribitur ei *quòd mittat aliquos de hominibus suis* apud novum castrum cum equis, &c. ut *suprà*, ad faciendum ea quæ eis tunc temporis, &c. ut *suprà*.”

Somers'.

Dominus Johannes de Shor
Dominus Mattheus de Furneis
Dominus Willielmus de Estotvill
Dominus Simon de Rale
Dominus Johannes le Waleis
Dominus Hugẽ le Prouz

Glouc'.

Dominus Roger Perceval
Dominus Petrus Crock
Dominus Robertus le Veel
Dominus Thomas de Berkele
Dominus Nicholaus de Ba

Dominus Robertus de Berkele
Leic'.

Dominus Robertus Ros de Gedney
Dominus Roger de Huntingfield
Dominus Robertus de Kirketon
Dominus Thomas Bardolf

Wilts.

Dominus Nicolaus de Hoese
Dominus Johannes de Holt

Devon.

Dominus Henricus de Rale
Dominus Gilbertus filius Stephani
Dominus Willielmus le Prouz

Cornub'.

Dominus Radulphus de Bloxho
Dominus Walt. de Treverbyn
Dominus Richardus Hywis
Dominus Roger Carminou
Dominus Willielmus de Chambernoun

Dominus Richardus de Buslingthorp
Dominus Phillippus de Theford
Dominus Jo. de Albaniaco
Dominus Radulphus Paynell
Dominus Jo. Marmyon
Dominus Jo. de Staunton
Dominus Alexander de Montfort
Dominus Radulphus de Freskeny
Dominus Adam de Arderne
Dominus Robertus de Brakenbergh
Dominus Alexander de Botheby (de
Kesteven)

Dominus Thomas filius Eustach'
Dominus Radulph' de Sancto Laudo
Dominus Galfridus de Brunne
Dominus Gregor' Duk
Dominus Walranus de Mortuomari
Dominus Jo. Goubard
Dominus Willielmus Disny
Willielmus de Basage
Dominus Phillippus de Gayton
Dominus Johannes de Bosco
Dominus Petrus de Gibthorp
Dominus Simon filius Radulphi
Dominus Willielmus de Chadworth
Dominus Hugg de Gorham
Robertus Salman

Dominus Jo. le Chamberleyn
Radulphus de Frescheville
Rob. de Ros, Frater Will' de Ros
Petrus Loreng
Johannes filius Simonis
Willielmus de Bretoun
Willielmus de Willighby
Thomas de Nevill
Richardus de Draycot (Dominus de
Wyleton)
Johannes de Wadhill
Richardus de Gobiun
Willielmus de Hotot
Galfr' fil' Roberti (Dom. de Daven-
tre)
Joh. de Rydell
Robertus de Hoo
Johannes de Nevill
Rogerus de Bello Campo
Johannes Neyrnuyt
Robertus de Gotez
Gilbertus de Houby
Robertus de Gravelee
Oliverus le Zouche
Johannes de Grimstede
Andr' de Grimstede
Walterus de Geddinges
Johannes de Cantilupe
Osbertus Gifford
Egidius de Playz
Thomas de Mandevill
Nicholaus de Wokindon
Jo. de Beauchamp (de Fifhide)
Richardus filius Simonis

Mattheus de Loveyn	Robertus de Flyxthorpe
Drogo de Barentyne	Alexander de Ledes
Alanus de Goldyngham	Jahannes de Seton
Richardus de Sutton	Nicholaus de la River
Richardus de la Rokell	Roger Gruneth
Radulphus Perott	Johannes de Hotham
Egidius Munpynzun	Richardus Benteley
Robertus de Baiuse	Simon de Pateshul
Johannes de Lovetot	Gerard Salveyn
Henr' le Moyne	Johannes de Barton
Thomas de Grauncurt	Johannes de Heslarton
Alexander Quintyn	Arnald de Bulketon
Willielmus fil' Radulphi	Thomas de Houton
John de la Mare (de Peryndon)	Alexander de Cave
Richardus de Frevylle	Willielmus Gumbald
Nicholaus de Oddingesele	Robertus de Botheby
Gerard de Braybroke	Hugo de Menill
Johannes Aynell	Johannes de Rosse
Thomas de Lysurs	Rogerus de Grimeston
Petrus Picott	Hug̃ filius Henrici
Robertus de Percy	Radulphus filius Ranulphi
Johannes de Mews	Rogerus de Lasseles
Willielmus de Aton	Adam de Everingham
Johannes de Fauconberge	Johannes de Bellew
Willielmus de Coleville	Robertus de Berlay
Arnald de Percy	Herbert de S. Quintino
Richardus de Romundby	Willielmus de S. Quintino
Thomas de Het̃ngton	Johannes de Hodeleston
Walterus de Gousill	Thomas de Corewenne
Robertus Ugtherech	Robertus de Haverinton
Johannes Sampson	Hubertus de Moletone
Thomas de Chauncy	Hug̃ de Moletone
Johannes de Pochon	Robertus de Somerville
Johannes Coyners	Walterus de Fauconberge

Johannes de Bulmer	Johannes de Lancaster
Nicholaus de Meignill	Robertus Ros (de Werke)
Robertus de Tateshale	Johannes Baro (de Greystoke)
Willielmus de Ros (de Ygmanthorpe)	Robertus Bertram
Johannes de Caunsefeld	Robertus de la Val
Willielmus de Cressy	Johannes le Caumberleyn
Ranulphus de Nevyle	Thomas de Saunford

The writ of 26 Edw. I. next presents itself, as no more of a parliamentary nature than the one of the 24th., being a summons merely to attend *equis et armis*, at Carlisle: but this writ is likewise in the *Exemplar* directed to Roger Bigot, earl of Norfolk, and marshall of England, and the persons to whom the *Consimiliar* are addressed, are eleven earls, and a hundred and six *barons*, who are so particularly denominated;* of this number, the following are unnoticed in Dugdale's History of the Peerage; viz.

* Vide Dug.
List of Sum.
p. 21.

Johan. de Ryveres	Richard Syward
Johan. de Hudleston	Simon Fresell
Wauter. de Mouncey	William Sampson
Johan. de Cantelo	Thomas de la Roche.

Of these eight, John de Cantelo (or Cantilupe), Richard Syward, and Simon Fresell, had the like summons, 27 Edw. I.;† but John de Ryveres, John de Hudleston, Walter de Mouncey, William Sampson, and Thomas de la Roche, had summons to divers parliaments in after-years; and, in such respect, were, by reason of their repeated calls to successive parliaments, (holden for the purposes of legislation,) as much *barons by writ*, and *peers of the realm*, as many of whom Dugdale has made mention in his Baronage; though, in his list of summons of 24 Edw. I., before mentioned, he has included several of them among the *barones minores*, or inferior tenants in capite of the crown.

† Claus.
Rot. in Dor.
m. 14.

The writ of 35 Edw. III. appears to have been, not a summons to parliament, but the call of a great council, for the mere purpose of taking into consideration the affairs of Ireland; whereunto were summoned only

certain persons, either holding lands in that kingdom, or so far interested therein, as by his Majesty to be deemed proper persons to give their advice, and be consulted, on that important occasion. But the words of the writ will best explain its import and effect.

Anno 35 Edw. III. Claus. in Dorso. m. 36.

“ Rex dilecto et fideli suo Humfrido comiti Northamptoniæ salutem. Quia terra nostra Hiberniæ per invalescentes à diu Hibernicorum inimicorum nostrorum incursus, propter impotentiam fidelium nostrorum habitantium in eâdem; et pro eo quod magnates et alii de regno nostro Angliæ terras in eâ habentes, commodum dictarum terrarum suarum ab eâdem terrâ capiunt, et defensionem aliquam non faciunt, jam caute vastitatis et destructionis miserie subjicitur; quod, nisi Deus advertat, et celerius succurrat eidem ad totalem perditionem in proximo deducetur: per quod pro salvatione ejusdem ordinavimus; quod Leonellus comes Ultoniæ filius noster charissimus, cum ingenti exercitu, ad terram prædictam, cum omni festinatione trasmittetur: et quod omnes magnates ac alii de dicto regno nostro terras in dictâ terrâ Hiberniæ habentes, quantò potentiùs potuerint, in comitivâ dicti filii nostri proficiscentur, vel si debiles in corpore existant, loco suo alios sufficientes ibidem mittant pro repulsione dictorum inimicorum, et salvatione et defensione terrarum suarum, et succursu terræ supradictæ; et pro dicto negotio accelerando, volumus vobiscum et cum aliis de eodem regno terras in dictâ terrâ Hiberniæ habentibus colloquium habere et tractatum, vobis in fide et ligeanciâ quibus nobis tenemini, firmiter injungendo mandamus; quod omnibus aliis prætermisissis, sitis personaliter apud Westm. in quindenâ Paschæ proximâ futurâ, ad loquendum nobiscum et consilio nostro super dicto negotio, et illud concernentibus, ad faciendum et consentiendum super hoc, quod ibidem contigerit ordinari; et interim vos, et homines vestros, quantò potentiùs et decentiùs poteritis, ad arma paretis, ità quod in vestri defectû progressus dicti filii nostri et exercitus sui non retardetur; nec dicta terra omissionis periculo subjaceat ex hâc causâ: et hoc, sicut nos et honorem nostrum ac salvationem et defensionem terræ prædictæ diligitis, nullatenus omittatis, et habeatis ibi hoc breve. Teste rege apud Westm’ xv die Martii.”

Per ipsum regem et consilium.

Consimilia Brevia diriguntur subscriptis, de essendo coram rege et consilio suo ad dies subscriptos ; *viz.*

Ad quindenam Paschæ :

Radulpho comiti Stafford	Johanni de Carreu
Thomæ com' Oxon'	Willielmo la Zouche (de Haryng-
Edwardo le Despenser	worth)
Waltero de Manny	Waltero de Bermyngeham
Edwardo de Mountague	Johanni Comyn
Almarico de S. Amando	Johanni Wagan
Bartholomeo de Burghersh	David Barry
Johanni de Crophull	Johanni Cornewaille
Nicholas de Gernon	Petro Malure
Johanni de Bohun (de Mid-	Johanni Mautravers.
hurst)	

“ Rex vicecomiti Nottinghamiæ et Derbiæ salutem. Quia (&c.) *ut supra usque ibi* terræ supradictæ *et tunc sic* tibi precipimus firmiter injungentes ; quod præmunire facias hæredes de Caumvyll terras et tenuram in Hiberniâ habentes ; quòd sint apud Westm' in *tribus septimanis Paschæ* proximò futuris ad loquendum (&c.) *ut supra usque ibi* contigerit ordinari ; *et tunc sic* ; et habeas ibi nomina illorum per quos eos præmuniri fueris, et hoc breve. Teste, *ut supra.*”

Consimile breve dirigitur vicecomiti Staffordiæ.

Ad tres septimanas Paschæ :

David de Strabolgi comiti Athol'	Johanni de Erles
Thomæ de Ros	Johanni de Bromwich'
Rogero de Clifford	Jacobo de Stafford
Thomæ de Furnival	Stephano Mareys
Thomæ de Lucy	Willielmo de Morle
Edmundo Laurence	Richardo de Stafford
Johanni de Tibetot	Willielmo de Ferrers.

The most material part of this summons is, how far those nineteen persons, to whom the consimilar writ of *the king* was addressed, may be entitled to be considered in the quality of barons ; and if entitled to that consideration, then for what reason nine of them should have been passed over in Dugdale's history of those persons, who were barons or reputed barons of the kingdom.

It certainly appears, that this convocation was not the calling together of a parliament, but of a mixed council of certain great men in the two kingdoms of England and Ireland ; but, as Dugdale has thought proper to include this summons among those of the summonses to parliament, it would seem that the parties thus convened, ought to have formed as much the subject of notice in his Baronage, as in his Lists of Parliamentary Summons.

It has before been observed, this celebrated author considered it necessary to premise his Peerage History with saying, *That he deemed it a safer error to take notice of some persons in their qualification of barons, than by their omission tacitly to conclude them otherwise.* Now, on the same ground, it appears, that the history of the families contained in the following pages, is founded upon much better pretensions to notice, than the herald could suggest reason for passing them over in silence.

Upon the whole, it probably may be considered, that, until the time of Richard II., when the first baron was created by letters patent, thereby expressing and limiting not only his degree and right of seat in parliament, but the course of descent of his honour, that the crown summoned to parliament those whom it pleased of the great tenants in capite, who held by barony ; and many who held by parts of a barony ; as in the case of being representatives of one who had holden by an entirety, but whose baronial lands had become divided by co-heirship ; or that, the crown still viewing the possession of lands as the basis of parliamentary dignity, continued to summon persons who were possessed of a certain number of knight's fees holden immediately of the crown, which number amounted to thirteen and a half—a quantum defined by some authors as the qualification of a barony.

But inasmuch as it has already been stated, that the indifference of the

clergy and laity had manifested itself on various occasions, to avoid attendance upon a parliamentary summons, as an expensive and burthen-some tenure; so, while their apathy to legislative honour contributed to the abdication (if it may be so termed) of their baronial privileges, the ambition of another class of personages brought themselves forward, and thus a new series of nobility became coalesced and intermixed with the old peerage; which, gradually decaying in point of property, but, nevertheless in some instances, continuing to be summoned to parliament after their caput baroniæ had passed away, these persons remained barons, not by virtue of their tenures, but of their writs, and thus left to their heirs a right of succession, founded on the prescriptive usage of those writs under which they had been called to parliament as before mentioned.

In the account of the families, forming the subject of the following pages, it is rather to be imagined, that the manner in which they became noticed in any parliamentary summons, was by reason of their tenure of certain lands, but that they were no further noble than their tenure gave them right of distinction: yet if the decision, which the lords have so often sanctioned in the resolutions of their Committees of Privileges,* is to be deemed a rule of law, that a person having been once summoned to parliament and taken his seat accordingly, has thereby acquired a barony descendable to the heirs general of his body, then the many of those names omitted by Dugdale in his Peerage History, and hereafter noticed, were as much barons of the realm as the lord Clifton, who was only once summoned to parliament, took his seat, but was shortly after a *felo de se*.

* Clifton,
&c. &c. &c.
cor. Dom.
Proc.

EMINENT FAMILIES OMITTED BY DUGDALE.

ACTON. (24 Edw. I.)

* Dugd.
List of Sum.
p. 15.

John de Acton, in the 24 Edw. I., was one of those eminent persons, who had summons by a consimilar writ,* with divers barons, to attend, with horse and arms, a great council, convened to assemble at Newcastle-upon-Tyne, on the subject of an expedition intended to be made into Scotland.

† Vide
Prefatory
Observ.

On this occasion, the writ was evidently a summons of service,† and not a parliamentary summons *ad tractandum de arduis negotiis regni*, whereby any hereditary baronial dignity was created or acquired.

‡ Esch. 6.
Edw. II.
n. 55.

The family of Acton appears of very ancient standing, and seated at Iron-Acton, in the county of Gloucester. The aforesaid John de Acton was probably the same, who, with Sibilla his wife, was possessed of the manor‡ of *Irene Acton*, in Gloucestershire; lands at Frampton Cotell, in the same county; the manors of *Coverne* and *Yanefore*, in Herefordshire; the manor of *Penyton*, in the county of Southampton; and the manor of *Ceddre*, with other lands at *Abre*, and *Stache*, in Somersetshire.

§ Originalia.
6 Edw. II.
Rot. 5.

He died about the 6 Edw. II., as in that year the king's escheator had a writ to take into his hands, the lands and tenements whereof John de Acton had died seised.§

|| Fosb.
Glouc.
Vol. II.
p. 525, 6.

The heiress general of this family carried the manor of Iron-Acton, with other considerable estates, into the family of Poinz, or Poyntz, by marriage.||

ALDEBURGH. (44 Edw. III.)

This name was probably assumed from the manor of Aldeburgh, in the county of York, but at what æra does not appear.

Richard de Aldeburgh, in the time of Edw. II., held certain messuages and lands there,* and at Mynskipp†, and seems to have been a person of considerable note in his time. He most likely was the same Richard, who in the 7 Edw. III.‡ was appointed one of the justices of the court of Common Pleas; and in the year following,§ of the King's Bench; in which quality he had summons|| to parliament among the rest of the judges, justices, and king's counsel.

Ivo de Aldeburgh was cotemporary with Richard, and, 14 Edw. II., had the custody of the county of Rutland, with the castle of Okeham committed¶ to his care. This Ivo, it is presumed, had issue William de Aldeburgh, which William de Aldeburgh, in 21 Edw. III.,** had a confirmation from the crown to hold in fee the lands of Broxmouth, which Edward, king of Scotland, granted to Ivo de Aldeburgh his father. Furthermore, in the 28 Edw. III.,†† he had the like confirmation to hold in fee divers castles and manors in Galloway, which had been granted to him by Edward, king of Scotland.

This William married Elizabeth, daughter of Robert, lord Lisle, of Rugemont, and was enfeoffed‡‡ by the said Robert with two parts of the manor of Harewood, and also with lands at Carleton and Stokying, all in the county of York.

In the 44 Edw. III. he had summons§§ to parliament among the barons of the realm, as also in the 49 & 50 of the same reign;||| and again in the 1 Rich. II., and from thence¶¶ to the 10th of that reign; unless, indeed, it may be William, his son, who, for a part of the time, had that honour.

This William de Aldeburgh had a son of his own name (William), who died without issue,*† and two daughters; viz. Sibyl, who married William Rythre, and Elizabeth, who wedded, first, sir Bryan Stapleton, and secondly, sir Richard Redman.†† But, as this last-named family had a moiety of the Aldeburgh estates, it seems more probable that Redman was the first husband of the said Elizabeth.

The celebrated antiquary, Leland, makes‡§ the following mention of this family; viz.

“ Aldeburge was in the Romaines tyme a great cite on Wathelingstret, caullid Isuria Brigantum: and was waullid. The cumpace of it hath beene by estimation a mile.

* Gross, Fin. 12 Edw. II. Rot. 9. Ebor.

† Ibid.

‡ Rot. Pat. 7 Edw. III. m. 11. par. 2.

§ Ibid.

8 Edw. III. m. 13. par. 2.

|| Dugd. Lists Sum.

¶ Orig. 14 Edw. II. Rot. 11. Rutl.

** Rot. Pat. 21 Edw. III. p. 1. m. 34.

†† Ibid. 28 Edw. III. p. 3. m. 10.

‡‡ Esch. 38. Edw. III. n. 19.

2nd Numb.

§§ Dugd. Lists Sum.

||| Ibid.

¶¶ Ibid.

*† MS. Vocat. B.B. p. 553. in Coll. Arm.

†† Ibid

‡§ Itin. Vol. I. p. 96. fol. 102.

“ It is now a small village, and in it a paroch church, wher ly 2 or 3 knightes of the Aldeburges (^{ee}) dwelling sum tyme in that paroch, whos heires yet remaine there, but now men of meane landes.”

* Rot. Pat.
23 Hen. VI.
m. 20.

It appears that the Rythres (or Rithers) and Redmans, divided the Aldeburgh inheritance, as sir William Rither and John Redman, esq., in the 23 Hen. VI.,* had a confirmation of free warren, together with a market and fair, at their manor of Harewoode, the same as had been granted to their ancestor, Warine Fitz-Gerald, by a charter in the 10th of king John.†

† Ibid.

In the heirs general of these two families, the co-claim to the Aldeburgh barony now remains.

ARDERNE. (1 EDW. III.)

Robert de Arderne, in 1 Edw. III., had summons by a consimilar writ, with divers earls and barons, to attend at Newcastle-upon-Tyne, cum equis et armis, but it does not appear that the said writ had any words of summons for parliamentary legislation; nor does the name of Arderne have place in any subsequent writs of summons to parliament.

‡ Originalia,
5 Edw. III.
Rot. 17.

It is probable he died shortly afterwards; as, in the 5 Edw. III.‡ the king's escheator had command to take into his hands the lands of Robert de Arderne, then deceased.

† Dugd.
Antiq. War.
p. 679.

If the name of *Arderne* and *Arden* are synonymous, (^{ff}) then the said Robert de Arderne appears to be the same, as mentioned by Dugdale in his Warwickshire, where he states,† that Robert, in the 15 Edw. II., was governor of Banbury castle, and died the 5 Edw. III., being then seised of the manor of Wykham (where he resided), and of several other manors in

(^{ee}) This refers to sir William, and sir Richard de Aldeburgh, who, for some time, dwelt there.

(^{ff}) This seems to be well warranted, as Dugdale in his Warwickshire calls him *Robert de Arden*, and says, he died the 5 Edw. III.; and the Originalia Roll of that year denominates him *Robert de Arderne*.

Oxfordshire, Northamptonshire, and Sussex ; whose grandson, Giles, being the last male of his branch, left an only daughter and heiress, Margaret, who married Lodowick Grevill, esq., from whom is descended the family of Grevill, earl Broke, and of Warwick.

The traditionary account of the origin of this family, is from Turchetil, son of Alwyn, officary earl of Warwick, in the time of Edward the Confessor ; which

Turchetil succeeded his father as earl of Warwick, but being afterwards deprived of the earldom by William the Conqueror, retired to the woody part of the country, and assumed the name* of Arderne, or Arden. From this stem descended

* Camd.
Brit.

Henry de Arden, who, 12 Hen. II., on the assessment of aid for the marriage of Maud, the king's daughter, was certified to hold† five knights' fees of William, earl of Warwick. At which time, also,

† Ex Chart.
Will. com.
Warw. in
Lib. Nig.
Scacc.

Hugh de Arden was likewise certified to hold five knights' fees, and a third part of the same earl‡.

‡ Ibid.

Of this name was Ralph de Arderne a co-heir to Glanville ; likewise Ralph Arderne a co-heir to Beauchamp, of Essex.

BANYARD, or BAYNARD. (6 EDW. II.)

It has been observed by Dugdale,§ that William Baynard, who took part with Helias, earl of Mayne, and others, in their conspiracy to dethrone Henry I., lost his barony of Baynard's Castle, which, with the chief part of his great estate, was, upon his forfeiture, given by the king to Robert, a younger son of Richard Fitz-Gilbert, progenitor to the ancient earls of Clare|| and Hertford, from which Robert descended the family of the barons Fitz-Walter.

§ Dug. Bar.
Vol. I. p. 461.

|| Ibid.

But though the elder house was thus disinherited, there remained a younger branch, to which divers manors were given¶ before the forfeiture, and which, as such, was not affected by that unfortunate event. Of this line—

¶ Hist. of
Norf. V. IX.
p. 46.
Wayland.

Robert Baynard, cousin to William the attainted baron, was lord of

* Ibid. Merton, and of divers other manors, in the county of Norfolk,* which had been part of the possessions of Ralph Baynard, at the time of the general survey.† He was a great benefactor to the monks at Lewes, making them divers grants; all which, by Fulk Baynard, his son, were confirmed. This

† Domesd.
in com.
Norf.

Fulk Baynard appears to be the same, who, 12 Hen. II., upon the assessment of aid for marriage of the king's daughter, was certified‡ to hold eight knights' fees and a half in Merton, Hadeston, &c., of Robert Fitz-Walter, as of his barony of Baynard's Castle.

‡ Lib. Nig.
Scacc.
Vol.I.p.231.

He had issue two sons, whereof Geffery, the second son, was a priest, and farmed all the priors' lands in Merton, paying to the chief lord four shillings, and two pounds of wax annually.

§ Esch. 33. Fulk Baynard, the eldest son, succeeded§ his father in the inheritance, and was grandfather probably, to

Edw.I.n.58.

Robert Baynard, a person of great note in the time of Edward II., in whose reign, (if he be the same Robert,) he had committed to his charge|| the custody of the counties of Norfolk and Suffolk, as also the castle of Norwich. And furthermore, in 6 & 7 Edw. II., had summons to parliament¶ among the barons of the realm, and therein was denominated *a baron*. Moreover, he was likely the same Robert, who, being one** of the justices of the King's Bench, in that capacity had summons†† to parliament, 2 & 3 Edw. III., among the judges, and the rest of the king's counsel.

|| Origin.
5 & 6 Ed. II.
Rot. 9 & 4.

¶ Dugd.
Lists Sum.
** Chronica
Juridicialia.

†† Dugd.
Lists Sum.

Fulk Baynard was son and heir to this Robert, as the History of Norfolk asserts,‡‡ and left issue three daughters, his co-heirs; *viz.* Isabel, Emma, and Maud; whereof Isabel married sir Thomas de Grey, knight, and had Merton, Bunwell, &c. for her share of the inheritance; the former of which places is now the property and residence of lord Walsingham, the heir-male representative of the said sir Thomas de Grey, knight.

‡‡ Vol. IX.
p. 46, 7.
Wayland.

But it seems, that there was a Robert Baynard, who, 6 Edw. II., had license§§ to embattle his mansion-house at Hautboys, in Norfolk: the history, however, of that county, relates,||| that the said Robert left *Thomas, (not Fulk,) his son and heir*, who sold the reversion, after the death of his mother, to sir Thomas Roscelyn, knight.

§§ Rot. Pat.
6 Edw. II.
p. 1. m. 18.

||| Vol. III.
p. 190.
South.
Erpingh.

From this statement it appears, that Robert Banynard, of Merton, and Robert Banyard, of Hautboys, were cotemporaries; a circumstance, which, while it tends to point out two distinct persons, leaves a degree of doubt as to which was the identical Robert, who had the summons to parliament among the barons of the realm, as before mentioned. This last named Robert, of Hautboys, according to the authority of the History of Norfolk, before cited,* married Maud, one of the six sisters and co-heiresses of sir Thomas Roscelyn, knight, son of sir Peter Roscelyn, who had summons to parliament† among the barons of the realm, 22 Edw. I., as, under that article, is elsewhere detailed.‡ But the said Maud, it seems, was his second wife, who, upon his death, 4 Edw. III.,§ had her dower in the manors of Hautboys and Whetacre, and having survived him many years, deceased about the 23 Edw. III.|| His first wife, according to the History of Norfolk,¶ before cited, was Lucia, daughter and heir of sir Roger de Fraxino, or Atte-Ash, by which lady he obtained the manor of Colkirk in that county, and had a son, Thomas, who died without issue; and a daughter, Joane, who was heir to her brother; and marrying Edmund de Thorpe,** the said Edmund in her right enjoyed the manor of Colkirk, before mentioned.††

* Ibid.

† Rot. Vasc.
22 Edw. I.
m.8, InDors.‡ Vide
Roscelyn.§ Esch.
4 Edw. III.
N. 28.|| Ibid.
23 Edw. III.
N. 7.¶ Vol. VIII.
p. 23, 4.

** Ibid.

†† Vide
Thorpe.

BARRY. (35 Edw. III.)

Camden, in his Britannia, says, that this name is derived from the island of Barry, in Glamorganshire, (so called from Baruch, a holy man, buried there); but the common ancestor is considered to be

William Barry,‡‡ (otherwise de Barri,) who married Angareth, daughter to Nesta, (§§) (the daughter of Rhese ap Griffith, prince of South Wales,) and sister to Robert Fitz-Stephen and Maurice Fitz-Gerald, two persons of

‡‡ Lodge's
Irish Peer-
age.

(§§) This Nesta had been a concubine to Henry I., and afterwards married Stephen, constable of the castles of Cardigan and Pembroke; by which Stephen she had a son, Robert Fitz-Stephen, and a daughter, the above-named Angareth. She also married Gerald Fitz-Walter, and by him had issue Maurice Fitz-Gerald, progenitor of the duke of Leinster, and of other great families in Ireland.

great eminence in the annals of Ireland. By her the said William had issue several sons; *viz.* Robert, Philip, Walter, and Gerald, or Gerard Barry, well known by the name of Giraldus Cambrensis, and so denominated from the word Cambria, the ancient name of the county of Pembroke, within which he was born at Tenby, about the year 1146. He was afterwards bishop of St. David, and wrote a Description of England, Ireland, and Wales.

Robert Barry, the eldest son of William, was a young knight of great courage and resolution, which, on divers occasions, he particularly displayed in the conquest of Ireland, under his maternal uncle, Robert Fitz-Stephen.

* Mag. Brit.
p. 1125.

Cambrensis, his brother, gives him a great character, and says, that he was the first that ever manned a hawk in Ireland. After his services in that kingdom, he is represented to have seated himself at Sevington, in Kent;* but however that may be, he returned again to Ireland, and about the year 1185, was killed at Lismore, in the county of Waterford.

† Ex Vet.
Chart.

Philip, second son of William, had a grant† of three contreds of land in the county of Cork, from his uncle, Robert Fitz-Stephen, whose daughter, it is said, he married. This Philip built the castle of Barry's Court, and endowed the friery of Ballybegg, in the county of Cork, in memory whereof his effigies on horseback were cast in brass, and set up in the church there. He had two sons, William and Robert; to which

‡ Chart. Rot.
7 Joh. in
Dorso. m. 5.
48, 49.

§ Mag. Brit.
p. 1125.

William Barry, king John confirmed‡ his uncle's gift of lands, as before mentioned. He is said to have been one of the *Recognitores Magnæ Assizæ* of the county of Kent, and to have lived at the Moate,§ where several of his successors, who were lieutenants of Dover castle, and conservators of the peace in that county, had their residence.^(hh) But it seems, that

Robert Barry, younger brother to William, founded the honours of his family, and had his chief residence in Ireland, where, by assignment from

^(hh) The Magna Britannia, p. 1125, relates, that the daughter and heir of Robert Barry, of this line, carried the manor of Sevington, by marriage, into the family of Ratcliffe.

his brother,* he became possessed of the patrimonial estates. He had two sons, David and Philip. Of these,

* Lodge's
Irish Peer-
age.

David Barry succeeded his father, Robert, and had a royal license, dated at Merleburgh, 26th September, 1234, for a Saturday market at his manor of Buttevant, and an annual fair there, to continue for eight days. He died about the year 1262.

David Barry, his son and heir, was styled † the first lord Buttevant, and was appointed by Henry III., in 1267, Lord Justice of Ireland. In 1273, king Edward I. granted him free warren in all his lands, at which time he was lord of Buttevant, and styled a *rich noble baron*; but this eminent person died shortly after, in 1278, and was there buried, where a tomb was erected for him in the choir, opposite the altar.

David-oge Barry, son and successor to his father, was founder of a monastery of Minorites, at Buttevant, in 1290, and by Maud (or Joan), his wife, had issue

William Barry, his son and heir, who, according to Lodge, ‡ had issue Laurence, father of John, whose son David had issue another David, (ii) which David was father of another

† Ibid.

‡ Ibid.

David Barry, who, in 35 Edw. III., being one of those persons who was possessed of a great estate in Ireland, had summons§ to attend with divers others (similarly circumstanced), a great council, to be holden at Westminster, touching the disturbed state of affairs in that kingdom. But this summons does not appear to have been addressed to him, as to an English baron, but in his capacity of an *Irish landholder*; in which quality a similar writ|| was sent to Mary, countess of Norfolk; Alianor, countess of Ormond, and several other distinguished females, to attend the council at Westminster, either by themselves, or their proxies. ¶

§ Dugd.
Lists Sum.

|| Ibid.

¶ Ibid.

Though sir William Dugdale has included this summons for an extra-

(ii) The number of descents here related, as so closely succeeding to each other, compared with the chronological succession of the kings, during the same period of time, creates a suspicion, that there is some inaccuracy or other in Mr. Lodge's statement; but which, under the circumstances of the case, is not a point of any material importance to require here a minute enquiry.

ordinary council among his lists of summons of the barons to parliament, it cannot be from thence concluded, that David Barry has any pretension to be ranked in the number of English nobility : as such, it may suffice to observe, that, from him descended the family of Barry, earl of Barrymore.

BELLA AQUÂ, sive BELLEW. (22 EDW. I.)

This family is considered to be of Norman extraction, its name being mentioned in the famous Battle Abbey Roll ; but as that roll is not without suspicion of much falsification, it may be sufficient here to remark, that

* Rot. Vasc.
22 Edw. I.
m. 8. in Dor.

† Dugd.
Baron.
Vol. I.
p. 449.

‡ Burne and
Nicholson's
Hist. Cumb.
and Westm.
Vol. I.
p. 41. 64.

§ Vide Mon.
Angl.
Vol. II.
p. 1491.

|| Esch.
29 Edw. I.
n. 57.

¶ Original.
29 Edw. I.
Rot. 16.

John de Bella Aquâ (or Bellew), in 22 Edw. I., had summons* to parliament among the barons of the realm ; as also in the 24th of the same reign, to a great council to be holden at Newcastle-upon-Tyne : but only in those years, and not afterwards. He married Laderina, youngest† of the four sisters, and co-heirs of Peter, the last lord Brus of Skelton ; and in her right, upon the partition of that inheritance, had the lordships of Carleton in Balne, Ramlesforth, Thorpe-Arches, Tibthorpe, and certain lands in Sethbarne—all in the county of York. (kk) They had issue three daughters and co-heirs ; viz.‡ Alicia, who married William Hunke, but died without issue ; § Sibilla, who married Milo de Stapleton ; and Joan, who wedded Aucher Fitz-Henry, of Copped Hall, in Essex ; which last mentioned two co-heirs divided the share of Laderina, when in the division the manor of Carleton fell to the family of Stapleton ; which afterwards had summons to parliament among the barons of the realm.

The said John de Bella-Aquâ died 29 Edw. I. || ; for, in that year, the king's escheator had a precept to take into his hands¶ all those lands whereof the said John was seised, and which he held by the law of England in right of Laderina, his wife.

(kk) William de Bella-Aquâ, 12 Hen. II., held one knight's fee of the A. B. of York.—Hearne's Lib. Nig. Vol. I. p. 304. Ebor.

BEREFORD. (8 EDW. II.)

ARMS. Crusuly, fitchee, three Fleurs de lis, S.

William de Bereford, an eminent lawyer of his time, and a justice of the Common Pleas, had summons* to parliament among the king's counsel and the judges, in 23 Edw. I., and from that time, in a similar quality, to the 8 Edw. II., in which year (being then chief-justice of the Common Pleas,) he had summons by the same writ,† as the barons and peers of the realm were called together; but in this writ, it is to be observed, that Dugdale states,‡ *the barons* and the *king's justices* were intermixed; so that it does not appear he was thereby created a baron of the realm: besides, after this, he was, in several subsequent parliaments, summoned among the justices; and from the 14th to the 19 Edw. II. (both inclusive), had the Exemplar writ of summons for the king's justices addressed§ to him.

If this is the same person, he seems to have died about the 20 Edw. II.,|| when the record states, that he and Margaret, his wife, held very considerable lands and manors in the counties of Derby, Leicester, Warwick, Stafford, Northampton, Oxford, Berks, &c.; and that, Edmund, his son and heir, had thereupon livery¶ of his inheritance, holden of the honours of Pynkeney, Wallingford, and Tutbury.

The name of Bereford, and Beresford, has been stated by many writers as synonymous; and at various times to have been differently written; and that this family, from the nature of their possessions in the several counties before mentioned, appears to be the same with that, from which the marquess of Waterford, and the Beresford's of Ireland claim their descent.** But Burton, in his History of Leicester, denies this position, and states,†† that this family of Bereford took its name from a manor so called in the county of Warwick; whereas the family of Beresford, commonly called Basford, took that name from a town in Nottinghamshire, near Derbyshire, as is evident from a visitation made by the judicious Robert Glover, Somerset Herald, anno 1583.

* Dugd.
Lists Sum.

† Ibid.

‡ Ibid.

§ Ibid.

|| Esch.
20 Edw. II.
n. 45.¶ Original
10 Edw. II.
Rot. 6.** Vide
Lodge's
Irish Peer-
age.†† Burton's
Leicester,
p. 246.

* Burton's
Leicester,
p. 92.

† MS. Vinc.
Quid non,
p. 321. In
Coll. Armo.

Furthermore: Burton, in his Leicestershire, asserts, that the heiress-general of chief-justice Bereford, *viz.* Petronel, daughter and heir of Simon Bereford of Snareston, in the county of Leicester, married* William, a younger son of William Charnels of Elvesthorpe, in the same county. But, it seems, that, besides his son and heir Edmund, chief-justice Bereford had issue† four daughters, whereof Joan married Gilbert de Ellfield; Margery, James de Andele (or Audele); Agnes married, first, Reginald de Argentine—and, secondly, John lord Maltravers; and Alice wedded Galfridus Gamell.

‡ Vincent
Quid non, 6.
p. 696. Ex
Rot. vet.

Edmund Bereford, son and heir of the chief-justice, had issue, according to an authority cited among the MSS.‡ in the College of Arms, a son Baldwin, who died without issue; also a son John, who married Margaret Darcy; and a natural son likewise, named John, who married Alianor, daughter of Richard Fitz-Alan, earl of Arundel, but died in Gascoigne, circ. 30 Edw. III. S. P.

BERMINGHAM. (35 Edw. III.)

Walter de Bermingham is noticed by Dugdale in his Index to his Lists of Summons to Parliament, as having been summoned in 35 Edw. III.; but, on referring to the summons, his name does not appear among those who were summoned by the Consimilar writ to the barons.

§ Dorm. et
Ext. Baron,
Vol. I.

|| Lodge's
Irish Peer-
age.
Ed. 1742.

The Bermingham family has already been mentioned in the first volume of this Work, § and is to be found fully detailed in the Irish Peerage, under the ancient title of Athenry. || They were among the first settlers in Ireland, in the reign of Henry II., and very early attained baronial rank in that country.

Camden, in his Annals of Ireland, ¶ writes, that “Walter, lord Bermingham, the younger, died in 1361, on St. Laurence's day, and left his estate to be divided among his sisters, one of whom, Margaret, married Robert, lord Preston.

This line of the Berminghams, appears to be the same whereof Walter de Bermingham married one of the co-heiresses of the barony of Multon

of Egremond, in the county of Cumberland, and in partition of that inheritance had a third part of very considerable lands in England and Ireland.

In an interleaved copy of Erdswick's History of Staffordshire, Dr. Vernon, rector of Bloomsbury, is stated * to have remarked, that one *Gilbert Bermingham* married the relict of sir Richard Stafford, knight; which lady was one of the daughters and co-heiresses of William Camville of Clifton. This Gilbert is nowhere mentioned either by Dugdale, or Lodge, in their several accounts of the Birmingham family, either of the English or Irish branches.

* Topogra.
Vol. II. p. 2.

BODRIGAN. (3 Edw. II.)

The name of Bodrigan (or Bodrugan) is very ancient,† and is said to be derived from a manor so denominated in the county of Cornwall.

† Testa de
Nev. in com.
Cornub.

Henry de Bodrigan, in the reign of Henry III., had a grant‡ of a market and fair at Pendrun, in Cornwall: after whom, was another

‡ Rot. Chart.
21 Hen. III.
m. 3.

Henry de Bodrigan, who, having married Sibylla, sister and heir to Walter de Maundeville, had livery of her lands, 17 Edw. I. §; afterwards, 2 Edw. II. He was found heir to his uncle William Bodrigan (who died the year before||), and, performing his homage, had livery of the inheritance,¶ which had so devolved upon him: but this Henry appears to have died in the same year; for then the king's escheator had command** to take into his hands all such lands, whereof the said Henry was seised, at the time of his death, which, from the record,†† must have been of great extent; comprehending, among others, the manor of Bodrigan; as also those of his uncle William, and such as were the inheritance of his wife Sibylla, in the county of Bedford.‡‡

§ Original.
17 Edw. I.
Rot. 6. Bedf.

|| Esch.
1 Edw. II.
n. 10.

¶ Original.
2 Edw. II.
Rot. 2. Dev.

** Ibid.
Rot. 10.

†† Esch.
2 Edw. II.
n. 71.

‡‡ Ibid.

But as this Henry deceased in 2 Edw. II., he cannot be the person who had summons to parliament in the year following, unless it be considered, that, according to the then computation of time (old style), his death and the writ of summons were of cotemporaneous date, which queries whether he ever took his seat under the writ of summons, and, as such, ever became

a baron, so as to render his posterity entitled to claim that degree of dignity from the writ, which bears evidence that it was of a parliamentary nature. Any further account, therefore, of this family becomes unnecessary, though it may be observed, that

* Original.
20 Edw. II.
Rot. 8.

Otto de Bodrigan, 20* Edw. II., had the custody of the island of Lunday committed to his charge, together with its appendages; and when he died, was seised of a very considerable estate at Bodrigan, and elsewhere, in the county of Cornwall, anno 5 Edw. III.,† at which period, Henry Bodrigan, his son, is likewise named, and mentioned to be deceased.‡

† Esch.
5 Edw. III.
n. 78.

‡ Original.
5 Edw. III.
Rot. 22.

BOUTEVELEYN. (24 EDW. I.)

§ Hearne's
Lib. Nig.
Seacc.

V. I. p. 201.

|| Ib. p. 284.

¶ Mon. Ang.
V. I. p. 817.

Camden In
Britanniâ.

** Lib. Fœd.
V. I. p. 117.

†† Vol. VII.
p. 32.
Humbleyð.

‡‡ p. 852.

§§ Dugd.
Lists Sum.

||| Hist. of
Norf.
Vol. VII.
p. 32.
Humbleyð.

§§ Bridge's
Hist. North.

Of this name it appears, that Robert *Butevilein*, in the time of Hen. II., § held two knights' fees of Walter de Wahull, and three of Roger Bigot, earl of Norfolk, || which fees were afterwards holden by

William Butevilein, his son, who founded ¶ Pipewell Abbey, in Northamptonshire, in which county he held lands, at Pipewell and elsewhere. **

He was in great favour with Henry II., who, upon going into Normandy, gave him a writ, directed to the bishops of Lincoln and Norwich, and to all his liege people, English and Normans, of Northamptonshire, Norfolk, and Suffolk, granting him all the lands, and other liberties which his father had enjoyed. He married, according to the History of Norfolk, †† Joan, daughter of sir Ralph Camois, knight, and had issue

Robert Butevilein, his son and heir, who is, probably, the same person, called by Matthew Paris, Roger, ‡‡ and who was taken in arms against the king at Northampton, 48 Hen. III. (1264), but was afterwards pardoned.

William Bouteveleyn, successor to Robert, was, 24 §§ Edw. I., one of those considerable men who had summons to attend the great council, then appointed to convene at Newcastle-upon-Tyne, upon the subject of an expedition against the Scots. But after this period, the name of Bouteveleyn is no more noticed upon any similar occasion, although the posterity of this William long continued to possess considerable estates in Norfolk, ||| Northamptonshire, §§ and elsewhere; which at length came to two sisters,

who, in their issue, were the co-heirs to their brother, William Bouteveleyn, who died without issue circ. 1465. Of these ladies,* Elizabeth married Edmund Chaterton, and left an only daughter, who wedded Thomas Herteshorne, of Gissing, esq.; Julian became the wife of Robert Duke, of Brampton, in Suffolk, esq., and left an only daughter, Alice, who espoused John Kemp, of Weston, esq.; between which John, and Thomas, the inheritance was afterwards divided.

* Hist. of
Norf. ut
antea.

BRABAZON. (8 Edw. II.)

This name is considered to have been assumed,† from the province of Brabant, in Flanders, out of which country the ancestor of this family is asserted to have come over with William the Conqueror.‡ Be this point, however, as it may, certain it is that

† Lodge's
Irish Peer-
age.

‡ Battle Ab-
bey Roll.

Roger le Brabazon, in the time of Henry III., held lands at Moseley (sive Musely), in Leicestershire; and, according to Mr. Lodge,§ married Beatrix, one of the sisters and co-heirs to Manser Briset, relict of William Keleby,|| and by her had issue two sons, Roger and Matthew: of these,

§ Lodge's
Irish Peer-
age.

|| Original.
21 Edw. I.
Rot. 7.

¶ Rot.Char.
28 Edw. I.
n. 6.

** Ibid.
35 Edw. I.
n. 39.

Roger le Brabazon, the eldest, 28 Edw. I.,¶ had a license for a market and fair, at his manor of Sibertofte, in the county of Northampton; as also for free warren there, and at his lands in Leicester, Derby, and Nottinghamshire: the like privilege he also obtained in 35 Edw. I.** for other lands at Pickwell, in Leicestershire; Rowlandrich, in Oxfordshire; and Kneveton, in Derbyshire.

†† Chron.
Jurid.

‡‡ Ibid.

§§ Dugd.
List. Sum.

This Roger was a person of great note, and was made one of the judges of the court of King's Bench, 18 Edw. I.;†† after when, in the 24th of the same reign, he was constituted chief-justice of the Common Pleas;‡‡ in which capacity of one of the king's judges, he had summons to parliament§§ from 23 Edw. I. to the 8 Edw. II.; but, in that year, and in several preceding years he had summons among the barons of the realm; for, it seems, that the parliament in those days was (not unfrequently) called together by a Consimilar writ,||| directed as well to the nobles as to the king's justices, which latter were not, on these occasions, distinguished from the barons as *cæteris de consilio nostro*.

||| Ibid.

* Chron.
Jurid.

† Rot. Pat.
9 Edw. II.
m. 31.

‡ Esch.
11 Edw. II.
n. 42.

§ Lodge's
Irish Peer-
age.
Vol. I.
p. 177.

|| Hist. of
Leic. p. 250.

¶ Inq. ad
Quod Dam.
9 Edw. II.
n. 150. 200.

** Ibid.
10 Edw. II.
n. 73.

At length, having served the crown to a very old age,* he was allowed to retire from his seat on the bench; but the king nevertheless retained† him as one of his council.

He married Beatrix,‡ daughter and heir to sir John Sproxton, of Sproxton, in the county of Leicester; but Lodge§ says that he died without issue, and was succeeded in his inheritance by Matthew, his brother and heir before mentioned; which Matthew (||) was ancestor to the Brabazons earls of Meath, in Ireland. However, if Burton|| is to be accredited, he had issue a son, William Brabazon, who married Jenet, daughter of William Trussel, and had a son, John Brabazon, who, by Agnes his wife, daughter of Richard Whatton, had Joan, his sole daughter and heir, who carried the said manor of Sproxton in marriage to William Woodford.

This Roger le Brabazon is recorded as a great benefactor¶ to several religious houses; viz. the abbey of Newborough, the priory of Tickford, and the abbey of Westminster.**

BRITANNIA. (33 Edw. I.)

†† Dugd.
Lists Sum.

The name of John de Britannia occurs in the writ of summons to-parliament of 33 Edw. I.,†† in which writ he is denominated *John de Britannia, junior*,—this was by reason that his father John, duke of Brittain, or de Britanniâ, was then living. This

‡‡ Mille's
Cat. of Hon.

John de Brittainia, junior, appears to be a younger son‡‡ of John de

(||) Mr. Lodge, for the truth of his statement, cites an inquisition taken the 19 Edw. II. (Esch. n. 52,) proving him heir to his brother; and that by Sarah, his wife, he had two sons; viz. William, his heir, and Roger, prior of Tinmouth. William lived at Garthorpe, co. Leic. which manor, with that of Sproxton, were given him by his uncle Roger, the judge. This William married the daughter of Trussel, and had issue two sons—John, his heir, and Thomas, ancestor to the earl of Meath: John married Agnes Watton, and had a daughter and heir, Joan, as above mentioned. The material point of this difference between Burton and Lodge is, that, if any baronial honour was vested in the judge, it passed to his issue according to Burton; but, if he had no issue, as Lodge asserts, then it became extinct.

Dreux, duke of Brittain, and earl of Richmond; which duke John married * Beatrice, daughter of king Henry III., and had issue several sons. Of these,

* Sandford's
General
History.

Arthur, the eldest, succeeded him in the dukedom; and John, the second son, by the favour† of king Edward I. and the surrender of his father, obtained‡ the earldom of Richmond, of which title he is mentioned in the writ of summons of 34 Edw. I., and by which dignity he afterwards continued to be called to parliament.

† Mille's ut
suprà.

‡ Ibid.

He is stated to have built the body of the church of the Grey Friars, in Newgate-street, in 34 Edw. I., where, upon his death, he was buried, according§ to Ralph Brooke; but Milles, in Glover's book, says, that he died in Little Brittain, and was interred|| at Vanys, anno 1334.^(mm)

§ Cat. of
Nob. per
R. B.

|| Mille's
Cat. of Hon.

He had no issue; on which his title of earl of Richmond was given to John, his nephew and heir, son of Arthur, duke of Brittain (or Brittany), before mentioned.

It appears, that the said John de Britannia, by the addition of *junior*, was, 33 Edw. I., appointed¶ the king's locum tenens in Scotland, with a grant of three thousand marks per annum** out of the issues of that kingdom.

¶ Rot. Pat.
33 Edw. I.
m. 6.

** Ibid.

BRITON, or BRETUN. (29 Edw. I.)

Of this name, there are noticed several very eminent persons; whereof, Walter Briton, in 12 Hen. II., upon the assessment of aid for marriage of Maud, the king's daughter, certified.†† that he held fifteen knights' fees, de veteri feoffamento, of the earl of Moreton, and that William Briton held of him one knight's fee. Of this barony a moiety afterwards came to Walter Croc, nephew of the said Walter Briton; which Walter Croc, in the 2nd of king John, surrendered the same to the king, to the end that

†† Hearne's
Lib. Nig.
Scacc.

^(mm) Leland also states, that he died in Brittain, and was buried at Vanes, but says, anno 1330.

he would enfeof Richard Briwere thereof, to hold the said moiety to him and his heirs, of the king and his heirs in capite.*

Thomas Briton is another person, who was of great consideration in his time, and, along with Alice his wife, was found one of the co-heirs to Bryan de Lisle,† and had, accordingly, livery‡ of such part of the inheritance, as in the division was allotted for their share. This Thomas Briton seems to have been the son and heir of a William de Briton: for Hutchins, in his History of Dorset, states§ that, in the 3rd of king John, Brian de Lisle, of Brienston, in the said county, (whose chief seat was in Yorkshire,) paid a fine of one hundred and twenty marks for the wardship and marriage of the heir of William Briton. From this line, likely, descended Philip Briton, who, 35 Edw. I.,|| was seised of a considerable estate in the county of York. Cotemporary with this Thomas, was

Ranulph Briton, who, 11 Hen. III.,¶ held to him and his heirs certain lands at Blatherwick, in Northamptonshire; and the 12th of the same reign, had of the grant of the prior of Longa-Villa** certain lands and privileges in a place called Kingesrabbe and Stocholt, in the said county; where, also, in 15 Hen. III.,†† he had the manor of Oxethorpe. This Ranulph was a person of consideration, and was Chancellor as well to the king as to the queen,‡‡ in which office§§ he died of an apoplexy, circ. anno 1247, the 31 Hen. III. |||

John Briton (another person of great eminence), was bishop of Hereford, and is represented to have been a very great lawyer, which, if so, he may have been the same who, 53 Hen. III.,¶¶ was made one of the king's justices. He is asserted by some to have written an excellent Treatise upon the Laws; but as the bishop died early in the reign of Edward I., and the book notices several statutes subsequent to that time, it is considered by bishop Nicholson*† to have been compiled by that John Briton, the judge,†† who was living in 1 Edw. II.

William Briton, a person also of some note (cœval with Ranulph and the bishop), in 15 Hen. III.,‡§ held lands at Dudinton, in Northamptonshire, and in the following year had a license§|| for his dogs to hunt the fox, &c. He died about the 45 Hen. III.,||¶ being then seised of divers lands and manors at Boxted and Stanway, in Essex; Dodinton, Blather-

* Mag. Rot.
2. Joh. Rot.
7. a. Dors.
& Somers.

† Vide
Hutchin's
Hist. Dors.
Vol. I. p. 84.

‡ Mag. Rot.
Scaac.
19 Hen. III.
Dors & Som.

§ Vol. I.
p. 84.

|| Esch.

35 Edw. I.
n. 22.

¶ Char. Rot.
11 Hen. III.

n. 26.

** Ibid.

12 Hen. III.
n. 2.

†† Ibid.

15 Hen. III.
n. 6.

‡‡ Chron.

Jurid.

§§ Ibid.

||| Matt. Par.
anno 1247,
p. 627.

¶¶ Rot. Pat.
33 Hen. III.

m. 1. n. 2.

*† Nicholson's Hist.
Librar.

†† Chron.

Jurid.

‡§ Chart.
Rot. 15.

Hen. III.

n. 6.

§|| Ibid.

16 Hen. III.
n. 19.

||¶ Esch.

45 Hen. III.
n. 18.

wick, &c. in Northamptonshire; Cranden, in Cambridgeshire; and at Westleye, Burgh, Dollingham, and elsewhere on this side the Trent, holden of the king in capite.

John Briton, son and heir of William, had livery* of his inheritance in the same year of his father's death. He had issue† another John, who died about the 34 Edw. I.,‡ leaving issue a son John, who died under age the 4 Edw. II.,§ and a daughter Maud, who became heir to her brother, and had livery of her lands the same year, being then|| of full age, and the wife of Richard de la Rivere, by whom she had a daughter Margaret,¶ who married sir Edmund de Thorpe; as also several other daughters, whereof one married sir Robert Swillington; another John Garleke, and another sir Robert Corbet.**

John Breton is mentioned in 17 Edw. I., when he had committed to his charge†† the custody of the city of London, which, for divers causes, the king had seized into his own hands; which charge was again granted to him in the 21st‡‡ of the same reign; after when, in 25 Edw. I., he was directed to amerce the aldermen, sheriffs, and other magistrates of the said city, by further letters patent§§ dated at Tunbridge, the 5th of August, in the year aforesaid.

In 29 Edw. I. the name of John Breton is again noticed on a particular occasion, at which period he was one of those great men, who, having had summons||| to the parliament at Lincoln, then subscribed and affixed his seal to that memorable letter which was sent to the pope, asserting the king's supremacy over the realm of Scotland: at which time he is denominated "*Johannes le Breton, Dominus de Sporle.*"

Whether he was the same person who was the judge in the time of Edward II.,¶¶ and wrote the Dissertation upon the Laws, as before observed, is not certain.

This John le Breton, styled *Dominus de Sporle*, appears to be of that branch which had estates in the county of Norfolk, where Sporle is the name of a manor*† in the Hundred of South Greenhoe, near Swaffham.

Of this family the History of Norfolk†† relates, that Peter le Breton, of Shropham, obtained by grant from John le Veyle, of Barningham, a manor called Breton's, or Pakenham's Manor, in the Hundred of Shropham,

* Original.
45 Hen. III.
Rot. 5.

† Lib. Fœd.
Mil.
24 Edw. I.

‡ Esch.
34 Edw. I.
n. 29.

§ Ibid.
4 Edw. II.
n. 32.

|| Original.
4 Edw. II.
Rot. 16. Ess.

¶ Esch.
49 Edw. III.
n. 32. 2d No.

** Hist. of
Norf.
Vol. VIII.
p. 37.

†† Original.
17 Edw. I.
Rot. 4.

‡‡ Rot. Pat.
21 Edw. I.
m. 13.

§§ Ibid.
25 Edw. I.

||| Dugd.
Lists Sum.

¶¶ Chron.
Jurid. etiam.
Dugd. Lists
of Summ.

*† Hist. Co.
of Norfolk,
Vol. VI.
p. 118.
S. Greenh.

†† Ibid.
Vol. VIII.
p. 141.
Shrop.

* Mad. Bar.
Angl. p. 54,
citing Hil.
Fin.
18 Ric. II.
Rot. 1. b.
† Vol. III.
p. 116-17.
Eynsford.

which afterwards came to be divided* among the two sisters and co-heirs of Henry de Breton; of which, Lettice married John Herring, of Thompson, and Agnes wedded Henry Pakenham.

With regard to this ancient family of Breton, the History of Norfolk† further observes, that

Thorald le Breton was living at Witchingham, in that county, the 31 Hen. III.: he married Aveline, daughter or sister to Ralph le Vilechen, of Holkham; after whom, was

† Ibid.

Edmund le Breton, of Witchingham, who, by Ermentrude his wife, was father of William Breton, who lived in the time of Edward I., and married Elizabeth, daughter and co-heir to — Yarmouth, by whom he had William, his son and heir; who, according to the same authority,‡ was father or grandfather to John Breton of Witchingham, who married Mary, daughter and co-heir to sir Hamon Felton, and had issue John Breton, whose posterity long continued to possess Witchingham. Of this family, § says the same history,§ was the famous John Breton (before mentioned), bishop of Hereford.

§ Ibid.

|| Dug. Lists
of Summ.

It should, however, not pass unnoticed, that there was a William Breton, who, 24 Edw. I., had summons|| to attend a great council at Newcastle-upon-Tyne, well furnished with horse and arms to march against the Scots: but who the said William was, is not satisfactorily established: he might be the first William, before mentioned. The writ, however, was not addressed to him in the capacity of a baron.

BROMWICH. (35 EDW. III.)

John de Bromwich, 35 Edward III., had summons to attend a great council at Westminster, touching the affairs of Ireland; but it is doubtful how far he was summoned either as a baron, or in the capacity of a baron of England, or of Ireland. He, not unlikely, was the same John who married Elizabeth, widow of Richard, lord Talbot, and daughter (and at length one of the co-heiresses) of John Comyn de Badinach.¶

¶ Vide
Dorm. and
Ext. Bar.
Vol. I. p. 35.

The family of Bromwich was of high repute, and settled at Castle

Bromwich, in Warwickshire: * of which line was Henry de Bromwich, 16 Edw. II., whose daughter and heiress Isabel, married, first, William de Peto, who died S. P.; and secondly, John de la Roche, by whom she had a son Thomas, who had issue two daughters, his co-heiresses,—as, under the article De la Roche, is more fully set forth.

* Dugd. Antiq. War. p. 648.

BRUNE, or BRUYN. (6 EDW. II.)

This family is certainly of very ancient date, and eminent degree; but from whence originally derived, is not ascertained.

Milles, (the nephew and executor of the celebrated Robert Glover, Somerset Herald,) states, † that Hugh le Brun, earl of the marches of Aquitaine, and lord of Lusignan and Valence, in Poictou, ‡ married Isabel, daughter and heir of Aymer, earl of Angouleme, relict of king John, and by him had issue divers children, who were much advanced to honours and preferments by their half brother, king Henry III. But, as the name was of some note in England prior to that æra, there is nothing to warrant a deduction of the family from that stock.

† Mille's Cat. of Hon.
‡ Cat. of Nob. per R. B.

Brune is the name of a hundred in Lincolnshire, where, according to the Testa de Nevill,

Geffery, the son of Josce de Brune, in the time of Henry III., held § the third part of a knight's fee of Ralph de Gousul. This purports him to be the same who, by the denomination of *Dominus Galfridus de Brunne*, was called upon by a summons || of service, 24 Edw. I., to attend, with horse and arms, at Newcastle-upon-Tyne, preparatory to an expedition against the Scots.

§ Lib. Fœd. Vol. II. p. 443.

|| Dugd. Lists Sum.

But there appears to have been a more ancient family of this name, whereof

Gamel le Brun, ¶ in the time of Henry I., had a grant from Waldieve, son of Gospatric, earl of Dunbar, of the lordships of Bothill, Beaumont, Glasson, Drumbugh, and Bowness, in the demesne of Allerdale, below

¶ Nicolson and Burn's History of Cumb. and Westmorl. Vol. II. p. 123.

Derwent. The posterity of Gamel, for a long time, inherited these possessions.

* Esch.
6 Edw. II.
n. 38.
Cumb.

† Original.
6 Edw. II.
Rot. 13.

Richard le Brun died, seised of them, 6 Edw. II.,* and then Robert le Brun, his son, had livery† of his father's lands. At length, the estate fell to another Richard le Brun, who had three daughters and co-heirs; of which, one married Nicholas Harrington; another, William Culwen, of Workington; and a third, Thomas Bowet, of ———.

‡ Nicolson
and Burn,
ut suprâ,
567.

§ Ibid. 576.

|| Dug. Bar.
Vol. I.

¶ Lib. Fœd.
V. I. p. 308.

** Ibid.

†† Ib. 318.

‡‡ Esch.
30 Hen. III.
n. 53.

§§ Ibid.
31 Edw. I.
n. 169.

|||| Ib. n. 163.

¶¶ Ibid.
33 Edw. I.
n. 27.

Of this family, Robert, (written *le Bruyn*,) of Drumbugh Castle, was sheriff of Cumberland, 19 Edw. II.,‡ and also one of the knights of the shire§ for the said county, 10 & 20 Edw. II., and 1 Edw. III.

Of this name, likewise was Richard le Brun, who married Albreda,|| daughter of Walter de Cormeiles, a considerable baron in the counties of Hereford and Gloucester, whose lands were holden from the time of the Conquest¶ of the king in capite *per baroniam*.** This Richard had issue

John le Brun, who, after the death of Walter de Cormeiles, 2 Hen. III., was found one of his co-heirs,†† and in such capacity became possessed of certain parts of that inheritance in the counties before mentioned. To this John, who deceased about 30 Hen. III.,‡‡ succeeded another

John le Brun, who, 31 Edw. I.,§§ had license to enfeof John de Acton of the manors of Elkeston and Wyneston, with other lands in the county of Gloucester; and, in the same year, being then denominated *John le Brun de Elkeston*, (parcel of the Cormeiles' barony,) had license, along with Margery|||| his wife, to give certain lands to the abbey of Wynchecumbe, in Gloucestershire. After this, he died, about 33 Edw. I.,¶¶ being then seised of the manor of Tadynton, the village of Bolynghope, and fifteen free tenants in Cleyhangre, in the county of Hereford.

But the principal family of this name, which attained to parliamentary distinction, was in the person of

*† Rot. Cha.
5 Edw. I.
n. 19.

Sir William le Brune, knight, who, in 5 Edw. I., had a grant*† of the manors of Fordingbridge and Rownore, in Hampshire; and of Randolveston, in the county of Dorset; to hold to himself and his heirs for ever; where, and at Midgham and Rerley, in Hants, he had a license for free warren, 11 Edw. I.††

†† Ibid.

This sir William, by some authorities, is stated * to have married Isolda, daughter and heir of Philip Rokesle, of Okendon, in Essex: ⁽ⁿⁿ⁾ which Isolda was one of the maids of honour to queen Eleanor, wife of Edw. I. He died 29 Edw. I., † leaving

* Morant's Essex, Vol. I. p. 99.

† Esch. 29 Edw. I. n. 44.

Maurice de Brune, his son and heir, who became a person of considerable note, and had summons to parliament among the barons of the realm, from the 6th to the 15 Edw. II., both inclusive; ‡ as also in the 1 Edw. III.

‡ Dug. Lists of Summ.

This Maurice (written often *de Bruyn*,) deceased the 29 Edw. III., being then § seised of very extensive estates in the several counties of Southampton, Dorset, and Essex. He married Maud, daughter and heir of sir Philip Rokelle, knight, and thereby greatly augmented his estate.

§ Esch. 29 Edw. III. n. 31.

William le Bruyn, son and heir of Maurice, was successor to his father's lands, but is not stated to have had the like summons to parliament. In the 20 Edw. III. he gave || a fine of forty shillings for the king's license to his father to enfeof him of the manor of Randolveston, to hold to himself and his heirs for ever. He died about the 36 Edw. III., ¶ being then seised of the said manor, with divers others in Dorsetshire, Hampshire, Essex, and elsewhere.

|| Original. 20 Edw. III. Rot. 35.

¶ Esch. 36 Edw. III. n. 31.

He married Alice, daughter of Richard Layer, alderman of London, (who survived him and re-married sir Robert Marney, knight,) by whom he had two sons, Ingelram and Richard: ^(oo) of these,

(nn) In the authorities stating the marriages of William le Brun, and Maurice his son, there occurs a great degree of contradiction; for, exclusive of their being both made to marry the daughter of *Philip de Rokesle*, the said authorities differ as to the name of William de Bruyn's wife.

In the 4 Edw. I. the record mentions one *Acheline*, wife to a William le Brune; which Acheline was one of the daughters and co-heirs of Eustace de Watford, of Watford, in the county of Northampton, and had livery then made to her of her portion of her father's inheritance.—Originalia, 4 Edw. I. Rot. 12. Northamp.

(oo) Hutchins, in his History of Dorsetshire, (Vol. II. p. 320,) asserts, that William le Bruyn left a daughter and heir, Joan, wife of Thomas Overton, who, 45 Edw. III., released to sir Robert Marney, knight, and Alice his wife, and to Ingelram and Richard, *her brothers*, her right in the manors of Randolveston, South Okendon in Essex, and Rokingham in Kent, and Rownore and Midgham in Hants. This rather intimates, that the said Joan must have

* Hutchin's
Dorset.

† Morant's
Essex.

‡ Rot. Pat.
13 Hen. VI.
n. 14.

§ Rot. Cha.
38 and 54
Hen. III.

|| Morant's
Essex.

¶ Hutchin's
Dorset.

** Morant's
Essex.

†† Ibid.

‡‡ Ibid.

§§ Rot. Pat.
21 Edw. IV.
m. 1.

Ingleram le Bruyn, the eldest, married Elizabeth, daughter of sir John* (or Edmund †) de la Pole, and had issue

Sir Maurice le Bruyn, knight, who, 13 Hen. VI., obtained ‡ a confirmation of those charters of free warren for his lands in Kent, Wiltshire, and Essex, which were granted by Henry III. § to his ancestor Richard de la Rockele. He married Elizabeth, daughter of sir Henry Radford (or Ratford), knight, and had issue two sons, Henry and Thomas hereafter named.

Henry le Bruyn, the eldest son, died in his father's lifetime, having married Elizabeth, daughter and co-heir of sir Robert Darcy, of Maldon || in Kent, and had issue by her two daughters, who became his co-heirs, and the co-heirs general of sir Maurice le Bruyn their grandfather; and in such capacity became also the heirs general to the barony (if any was created), arising from the personal writ of summons of their ancestor Maurice le Brune (or Bruyn) to parliament in the reign of Edward II., as before mentioned. Of these two co-heirs,

Alice le Bruyn, the eldest, married, first, ¶ sir Robert Harleston, by whom she had a son John; secondly, John Heveningham, by whom she had a son George; and thirdly, according to Morant,** William Berners, esq.

Elizabeth le Bruyn, the second co-heir; married, first, Thomas Tirrel, of Herons and Okendon, in Essex, by whom she had issue William and Hugh ††; secondly, sir William Brandon, knight, by whom she had the famous Charles Brandon, duke of Suffolk; thirdly, William Mallory, esq.: but this gentleman is by some authorities ‡‡ represented as the first husband of Elizabeth.

The eldest male line of the Le Bruyns, having thus terminated in female issue,

Thomas le Bruyn, second son of sir Maurice, was the male continuator of the family, and as such, 21 Edw. IV., had license §§ to enter upon the entailed lands. He married Elizabeth, cousin and co-heir of William

been the issue of a former wife, and entitled to the manors here recited, under some settlement or other, and as such, that Ingleram and Richard were her half-brothers.

Sturmy, of Wolf-hall, esq., and had issue John, father of another John, whose son

Henry Brune, by Elizabeth, daughter and co-heir of Nicholas Martin, of Athelhampston, of an ancient baronial family, ^(PP) had issue John, who married Bridget, daughter of sir Edward Seymour, of Berry Pomeroy, in Devonshire, but died without issue, circ. 1639: and

Charles Brune, who was of Plumber, in the county of Dorset; and by Mary, the daughter of Robert Coker, of Mapauder, esq., had two sons; viz. John and Charles: of these, the eldest,

John Brune, died circ. 1645, having had issue by Mary his wife, daughter of Edward Hooper, of Boveridge, esq., an only daughter Mary, who married sir Ralph Bankes, knight, of Corfe Castle, in the county of Dorset, ancestor of the present Henry Bankes, esq. of the same place, and of Kingston Hall, in the county aforesaid, who is now the lineal heir general descended from Thomas, second son of sir Maurice Bruyn, great-grandson of Maurice, the baron who had summons to parliament in the reign of Edward II.

Charles Brune, esq. youngest son of Charles and Mary Coker, was twice married, and by Jane, daughter of Henry Collier, of Hermitage, esq. his second wife, had issue Charles, who, by Betty (or Elizabeth), daughter and heir of Mr. Jeffery, of Bagboro' in Somersetshire, had several sons who died issueless,* and three daughters, Betty, Jenny, and Mary; whereof Betty married Nev. Morton Pleydell, of Shitterton, esq., and had issue a son, Charles Pleydell Brune, esq., living anno 1770.

* Hutchin's
Dorset,
Vol. II.
p. 358.

^(PP) This Nicholas Martin married Margaret, daughter and heir of John, and sister of Nicholas Wadham, of Merryfield, in the county of Somerset. The said Nicholas Martin was son of Robert, by Elizabeth, daughter and heir of John Kelway, of Rockburne, in Hampshire; which Robert was son and heir of Thomas Martin, by Mary, daughter of James, brother to Giles, lord Daubeney: and the said Thomas Martin was lineal heir male of Robert Martin, a younger son of Nicholas Martin, baron of Cameys, by Maud his wife, daughter and heir of Guy de Brayn (a great baron), by Eve his wife, daughter and heir of Henry de Tracy, baron of Barnstaple, in the county of Devon.

BUSCY. (1 Edw. III.)

* Domesd. Roger de Buisli, Bussei, or Bussey, at the time of the general survey,* held divers lordships in different counties, particularly in Derbyshire, Leicestershire, Yorkshire, and Nottinghamshire; his chief residence being at Tickhill Castle, in Yorkshire, and at Blythe, on the confines of Nottinghamshire.

† Dug. Bar. By Idonea, the daughter and heir of John de Buisli, grandson (according to Dugdale†) of the aforesaid Roger,⁽⁹⁹⁾ the estate of Tickhill, with a great inheritance, passed into the family of Vipount, and thus the first male branch of this house terminated in female issue; but the male line appears nevertheless still to have continued in some collateral or younger representatives. Of these,

‡ Hearne's Lib. Nig. Scacc. V. I. p. 260. § Ibid. Hugh de Bussey (or Buissent), 12 Hen. II., was certified‡ to hold three knights' fees of Robert, then bishop of Lincoln; of whom, also, it was at the same time§ certified, that the son (the name unmentioned) of William de Buissent held six knights' fees.

¶ Vide Ridel. Robert de Bussey (but from whence descended is not related,) is said to have been lord of Weldon, in Northamptonshire, and to have had a daughter, who, by Hugh Lupus, earl of Chester, had a daughter, Geva, afterwards married to Geffery Ridel,|| whose daughter and heiress, by her marriage with Richard, the son of Ralph Basset, carried the Weldon estate into that family. ¶¶

¶¶ Vide Basset of Weldon. A William de Bussey** married Hawyse, one of the sisters and co-heirs to Walter Espee, a great and famous baron, and fined†† one hundred marks of silver to have a partition of the lands of that inheritance along with Robert de Ros and Nicholas Traili, the other co-heirs.

†† Mag. Rot. 4 Hen. II. Rot. 4. a.

(99) According to other accounts, the said John de Buisli (or Bussey) was son of Richard, son of Jordan, son of Ernald, brother to the said Roger, who, by Muriel his wife, had a son Roger, who died S. P. temp. Henry II., and had a daughter Beatrix, whose husband was William, earl of Ewe, from whom descended that John, earl of Ewe, who, 18 Edw. I., was claimant to the honour of Tickhill.

But the branch of the Busseys which seems to have continued the longest, and to have been in later times of the most eminent degree, had their chief seat in Lincolnshire: of which stock was

Hugh, the son of Lambert de Bussey, who, 41 Hen. III.,* had a charter for free warren in his lands at Acham, in the county of Lincoln, and at Wigesil, in Nottinghamshire. Afterwards, 22 Edw. I., he, or another Hugh de Bussey had livery of the lands of Elizabeth, his mother, who was then the widow of John de Albiniaco.† This Hugh, imports to be the same who died the 34 Edw. I., being then seised‡ of the manors of Balderton and Wigglesley, in the county of Nottingham; together with the manor of Haghham (or Acham), and divers other lands in the county of Lincoln.

* Rot. Char.
41 Hen. III.
(In alio loco)
m. 6.

† Original.
22 Edw. I.
Rot. 3 & 14
Linc.

‡ Esch.
34 Edw. I.
p. 45.

John de Bussey, son and heir of Hugh, 35 Edw. I., held of the king in capite,§ two knights' fees of the barony of Gaunt, which being in the king's hands, he was then impleaded for his relief.¶ This John is most likely the same who, 1 Edw. III., had summons,¶ along with divers of the nobility and great men of the realm, to attend the king, with horse and arms, at Newcastle-upon-Tyne, to march against Robert de Brus, king of Scots. But this summons does not purport to be a summons to parliament; for the writ does not contain the words "*de negotiis supradictis tractaturi vestrumque consilium impensuri*;" so as to shew, that the convocation was considered for the purposes of legislation, but for the purpose of a military expedition.

§ Madox
Baronia
Ang. p. 182.

¶ Trin.
Fines,
35 Edw. I.
Rot. 66. a.
Linc.

¶ Dug. Lists
of Summ.

This writ, however, is the only one in which the name of the Bussey family has place; and in the other writs of the same year,** which are expressed for the meeting of a parliament, the name of John de Bussey (or Busey) is not included.

** Ibid.

As it is manifest that this family was neither of baronial degree, or advanced to that rank by the summons referred to, a detailed narration of further genealogy becomes unnecessary, and it may, therefore, suffice to conclude, with what the celebrated Leland†† observes of it; viz.

"The gentilmen comunely callid Busseys, cam with the Conqueror out of Normandi. Bussey that was so greate in king Richard the Second's dayes, and was behedid at Brightstor, had his principal howse and manor-

†† Leland's
Itiner.
Vol. VI.
p. 65, f. 68.

place at Hougham, a 3 myles from Granteham. Busses wife that was behedid at Brightstow lyith at Howheham, and divers of the Busses in the same paroche chirch. Bussey now alive, is the 5 or 6 in descent from great Bussey that was behedid, and is the laste heir male of this house. This Busses doughter and heire is marriede onto the sunne and heire of Brightenel of Northamptonshir."

CANCI, sive CHANCI, of Yorkshire. (25 Edw. I.)

Walter (^{rr}) de Canci, lord of Schirpenbec, in the county of York, the 5th of Stephen, gave fifteen pounds' fine for license to marry whom he should please; but whom he married, Dugdale is silent, merely stating, that he was a benefactor to the monks of Whitby, and was succeeded by

* Hearne's
Lib. Nig.
V. I. p. 318.

Anfrid de Canci, his son and heir, who, 12 Hen. II.,* upon the assessment of aid for marrying the king's daughter, certified that he held five knights' fees, for which he paid five marks on the collection of the aid aforesaid, 14 Hen. II. After, when he died, 6 Ric. I., leaving his heir in minority, for whose wardship Hugh Murdac gave one hundred marks; but who this heir was, the Baronage does not notice,† concluding here its account of this branch of the family; which is, however, supplied by sir Henry Chauncy, in his History of Hertfordshire,‡ most minutely; viz.

† Dug. Bar.
V. I. p. 626.

‡ p. 25, and
pag. subseq.

Walter de Canci, son and heir of Anfrid, came of age about 8 Ric. I., and confirmed the gift (^{ss}) of his father to the canons of St. Peter, in York,

* Hist. of
Hertf. p. 55.

(^{rr}) This is the first of the family named by Dugdale; but sir Henry Chauncy* states, "That Chauncy de Chauncy, near Amiens, in France, came over with the Conqueror, anno 1066, whose sons, William and Auschar de Chauncy, both flourished temp. Hen. I. William, the eldest, purchased the manor of Schirpenbec, in Yorkshire, of Odo Balistarius, a great Norman, who held it by grant of William the Conqueror;† and this William lived there with Walter his son, above mentioned, who was his successor."

† Domesd.
Ebor. xxiv.

‡ Ibid. p. 56.

(^{ss}) Chauncy recites,‡ that "Anfrid, the son of Walter, the son of William de Canci, by the consent of Walter and Roger his sons, gave to the canons of St. Peter, in York, one carucate of land, in Schirpenbec; and by another deed, with the consent of Maud his wife, gave also one carucate to the hospital of St. Peter's, in the same city."

and married, as it is related, Agnes de Athewick, but died without issue, leaving

Roger de Chauncy,* his brother and heir, who married Preciosa, daughter of ———, and had issue Robert and Hugh, which Hugh, (or, probably, from the length of time, his son) 14 Edw. II., was lord of the manor of Upton, in the county of Northampton. * p. 56.

Robert de Chauncy (or Canci), son and heir of Roger, was of full age at his father's death, and, in 23 Hen. III., accounted for five knights' fees for the barony of Schirpenbec, which his father held of the king in capite. This Robert left

Thomas, his son and heir, twenty-three years old, whose homage, in the 52 Hen. III., the king received. He married Isabel, the daughter of Philip Chauncy, of Willughton, in the county of Lincoln, by Isabel his wife, daughter and heir to Thomas de Marsey. The 25 Edw. I. he was one of those great men who were summoned to attend the king, to go upon an expedition†; but as it does not appear that either he, or his descendants had ever afterwards summons to parliament among the barons of the realm, to give any further account of them here becomes unnecessary: yet, on this occasion, it is to be observed, he was styled *Baron de Skirkenbek*. † Clau. Rot. 25 Edw. I. in Dors. 15.

From this ancient and distinguished house descended the learned sir Henry Chauncy, knight, sergeant-at-law, eminent as an antiquary, and famous for his History of the county of Hertford. He bore for arms; ‡ viz. Chauncy of Yorkshire, ‡ Hist. of Hert. p. 59.

“ G. a Cross patonce Arg. on a Chief Az. a Lion passant, O.”

Chauncy of Lincolnshire; viz.

“ Arg. a Chevron G. within a Border, S. charged with 8 Bezants.”

CANCI, sive CHANCI, of Lincolnshire.

Simon de Canci, according to Dugdale,§ was cotemporary with Anfrid, the son of Walter de Canci. But Chauncy, in his account of Hertfordshire, and pedigree of the family,|| makes him brother to the said Anfrid. This § Dug. Bar. V. I. p. 627. || Chauncy's Hert. p. 60.

* Hearne's
Lib. Nig.
Scacc. Linc.

Simon, 12 Hen. II., on the assessment of aid for marriage of the king's daughter, certified his knights' fees to be five, *de veteri feoffamento*;* for which, on the collection of that aid, the 14 Hen. II., he paid five pounds. He was a considerable benefactor to the Knights Templars, and gave to them the church of Wylughton, in the county of Lincoln. His wife was Helewise de Swinope (a Fleming), who, probably, brought him the manor of Swinope, with several others in the county of Lincoln, which were possessed by his descendants. But, on or before the 30 Hen. II., he died, leaving the said Helewise his wife surviving, and Simon his son and heir, which

† Dug. Bar.
p. 627.

Simon de Canci, the 6 Ric. I., upon the collection of the aid for that king's redemption, paid five pounds for the knights' fees he then held. But, the 17th of John, being one of those great men who were in arms for the redress of the national grievances, he was termed a rebel, and his lands were seised, and given to Richard de Gray. After, when no further mention is made of him in the Baronage.† Sir Henry Chauncy, however, in his *History of Hertfordshire* (p. 60), continues the account of his family, and recites, that the said Simon(") married Maud, the youngest sister and heir of Geoffery de Beningwal, and had issue

William de Canci, who, by Isabel his wife, was father of sir Philip de Canci; which

Sir Philip de Canci married Isabel, daughter and heir of Thomas Marsey, and had a daughter Isabel, who became the wife of Thomas de Canci, of Schirpenbec: also a son,

Gerard de Canci, his heir and successor, who had an only daughter, Isabel, which died issueless; so that Isabel, her aunt, became the heir of this house, who was married, as before mentioned, to Thomas de Canci, of

* Ing. P. M.
47 Hen. III.
n. 30.
† Ibid.
35 Edw. I.
n. 37.
‡ Ibid.
4 Edw. II.
n. 46.
§ Rot. Orig.
Scacc.
4 Edw. II.
Rot. 3.

(") Chauncy also asserts, that Philip de Canci was a younger brother of Simon; which Philip, for his inheritance, had given him the lordship of Swinope, with others in the county of Lincoln: for it appears that, 47 Hen. III., a Philip de Chaucy was seised of the said manor,* &c.;—also, that, 35 Edw. I., another Philip held the same;† and, 4 Edw. II., William, son and heir of Philip de Canci (sive Chauncy) was possessed of the manors of Swinehope, Cotes, Scraythfeld, and Billingeys, in the said county of Lincoln;‡ at which time, on his decease, Walter de Gloucester, the king's escheator, had command to take into his hands the lands whereof the said William de Canci (or Chauncy) died seised.§

Schirpenbec. This Gerard died 15 Edw. II.,* leaving Ada his wife surviving; who, the same year, had an assignment of dower in the lands of Wylughton and elsewhere, in the county of Lincoln,† and likewise in the manor of Hoghton, in Nottinghamshire.

* Ing. P. M.
15 Edw. II.
n. 45.

† Rot. Orig.
15 Edw. II.
Rot. 14.

CANTELO, sive CANTILUPE. (24 Edw. I.)

This house was a younger branch of the Cantilupes, of Aston-Cantilupe, in the county of Warwick, and commenced in the person of John, third son (according to Dugdale‡) of William de Cantilupe, lord of Aston-Cantilupe, and sheriff of the counties of Warwick, Leicester, Worcester, and Hereford, in the reign of king John and Henry III., which

‡ Dug. Bar.
Vol. I. p. 732.

John de Cantilupe (sometimes written Cantelo) had a charter for free warren in his lands at Funtel, in Wiltshire, 41 Hen. III.§; and, in the same year, had a charter for his manor of *Snytenfeud*,|| otherwise Sniterfield, in the county of Warwick, which was holden of Thomas de Clinton, by the service of one knight's fee.¶ He married Margery, daughter and heir to William Cummin, of Sniterfield, and had issue John, his successor, and Walter, who was a priest and rector of Sniterfield. He died about the 16 Edw. I.; for in that year,** the king's escheator had command to take into his hands the lands whereof the said John had died seised.

§ Rot. Char.
41 Hen. III.
m. 1.

|| Ibid. m. 2.

¶ Lib. Fœd.
Vol. I. p. 443.

** Original.
16 Edw. I.
Rot. 1.

John de Cantilupe, heir to his father, in 24 Edw. I., was one of those who had summons†† to attend, with horse and arms, at Newcastle-upon-Tyne, preparatory to an expedition against the Scots: also, 26 Edw. I., had summons to attend, with horse and arms, at Carlisle; on which occasion,‡‡ he is denominated *a baron*. He married, according to Collins,§§ Margaret, daughter of John, lord Mohun, of Dunster, and had issue||| a son John, who died before him, and a daughter Eleanor, who became the wife of Thomas West, ancestor to the present viscount Cantilupe and earl Delawar, which Thomas thereby added the Cantilupe inheritance to the patrimony of his family.

†† Dugd.
Lists Sum.

‡‡ Ibid.

§§ Collins's
Peerage,
sub tit.
Delawar.

||| Dugd.
Antiq. Co.
Warwick.

Dugdale, in his History of the Cantilupe family,¶¶ has only commenced his account with that William who flourished in the reign of king John, but

¶¶ Dugd.
Bar. p. 731.

has not mentioned the line of his descent; it, however, is manifest, that, 12 Hen. II., upon the assessment of aid for the marriage of Maud, the king's daughter, one

* Hearne's
Lib. Nig.
Scacc
V. I. p. 264,
Linc.

Ralph de Cantilupe held* two knights' fees of William de Romara, earl of Lincoln; at which time also,

† Ibid.

Walter de Cantilupe likewise held† two knights' fees of the same earl.

‡ Ib. p. 228,
Essex.

And, if he was the same person, held,‡ at the period before stated, along with Robert Chevauchesus, four knights' fees of Geoffrey Mandeville, earl of Essex.

§ Ibid.

Robert de Cantilupe is also noticed by the said Geoffrey, earl of Essex, as then § holding one knight's fee, as aforesaid.

These three persons are all unnoticed by Dugdale, as are also the following, who, if not of one kindred, were at least *cotemporaries* with the first William de Cantilupe, of whom the baronagian makes mention.

|| Rot. Char.
7 Joh. m. 7.
(56).

Fulk de Cantilupe, in the 7th of king John, had lands|| in the county of Southampton. He was considered one of that monarch's evil servants, and as such is represented by Matthew Paris ¶ as a *knight*, who was devoid of every spark of humanity.

¶ Matt. Par.
p. 188. l. 12.

** Ibid.
anno 1231,
p. 310, l. 40.

Roger de Cantilupe, 15 Hen. III., ** was sent by the king as one of his ambassadors to the sovereign Pontiff at Rome. †† He was not only a priest, †† but a person of note in the royal favour. In the 32 Hen. III. he had license §§ to impark sixty acres of heath in *Badewe*, within the boundaries of the forest of Essex; and, the 37th of the same reign, had a license |||| to hunt throughout several counties.

†† Rot. Pat.
15 Hen. III.
m. 4. n. 5.

‡‡ Matt. Par.
p. 333, l. 64.

§§ Rot. Pat.
32 Hen. III.
m. 11.

Baldwin de Cantilupe held ¶¶ in Powrd' one hundred shillings land of the gift of king John, with the daughter of Alard Fitz-William; but by what service was at that time *† unknown.

|||| Ibid.
37 Hen. III.
m. 11.

¶¶ Lib. Fœd.
V. I. p. 128.
Berks.

These seem to have been the principal persons of the Cantilupe name, who were cotemporary, and in such respect, presumed allied to each other. Dugdale has not referred to one of them; whose notice of families in general, may be observed to be chiefly confined to immediate, and not to collateral descents. Indeed, as these branches are not recorded as of baronial distinction, any mention at all is in a certain degree irrelevant, were it not to point out, in the first instance, that the name is of more

*† Ibid.

antiquity than Dugdale attaches to it; and in the second, to show, that the members of the common stock took pretty good care of themselves in the turbulent reigns of king John and Henry III.; and probably, from a low origin, by the temper of the times obtruded themselves into wealth and notoriety.^(uu)

CAREW. (29 EDW. I.)

The descent of this family is from a younger branch of the same common ancestor as the Fitz-Geralds, in Ireland, and the house of Windsor, in this kingdom.

Walter Fitz-Other (styled de Windsor, from being governor of that castle in the time of the Conqueror,) had several sons, whereof William was progenitor to the family of Windsor, earl of Plymouth; and

Gerald (styled Fitz-Walter,) was the ancestor of this house.^(vv) This Gerald was Castellan of Pembroke, and, according to Camden,* had a grant made to him by Henry I. of the manor of Moulesford, in Berkshire. He married Nesta, daughter of Rees, son of Theodore the Great, prince of South Wales, and by her had issue several sons; viz. William, his heir;† Maurice (called Fitz-Gerald), progenitor to the house of Leinster, in Ireland; Richard, and David,‡ bishop of St. David, who died circ. 1176.

* Camden's
Britt. sub.
tit. Berks.

† Vincent's
Baron. MS.
in Coll. Arm.

‡ Le Neve's
Fasti Eccle.
Angl. p. 511.

^(uu) An old MS., once belonging to the College of Arms, and now in the hands of the Editor, (but without the name of the compiler,) states, that Richard de Cantilupe, in the time of Edward I., was baron of Hanslope, in Northamptonshire, whose heir general married sir Thomas West, ancestor to the lord La Warre.

^(vv) While this descent is given, as the one most generally accredited, it should, nevertheless, be observed, that some authorities* derive this family from Arnulph de Montgomery, brother to Robert, earl of Shrewsbury; and thus, in Leland,† it is stated, viz. "Carew married an heir general of the stock of Mohun, of Devonshire. Carew trew name be Montgomerik, and he is written thus in old evidence, *Montgomerick Dns. de Carew*." But in Camden's Remains,‡ this matter is explained by the statement, "that one Adam de Montgomery married the daughter and heir of Carew, of Molesford; and his son relinquishing his own, left to his posterity his mother's name of Carew, from whence descended divers families."

* Milles'
Cat of Hon.
p. 738.

† Leland's
Itiner.
Vol. III.
p. 70, f. 40.

‡ Cam. Rem.
p. 121.

William Fitz-Gerald, the eldest son, is so presumed, because he became possessed of Carew Castle, in Pembrokeshire, which, with divers manors, were acquired by his father, through his marriage with Nesta, the daughter (as before mentioned) of the prince of South Wales. This William, according to some, married Catherine, daughter of Kingsley, of Kingsley, in Cheshire; and, according to others, married Marrio, daughter of Stephen Constable, of Cardiganshire, and had issue several sons; *viz.* 1. Otho; 2. William, progenitor to the Gerards of Lancashire,—the Gerards, earls of Macclesfield, and barons Gerard, of Bromley; 3. Raymond, who married Basilia,* sister to Richard Strongbow, earl of Pembroke, but died without legitimate issue.^(ww)

* Vincent's
Baron. MS.
in Coll. Arm.

Otho Fitz-Gerald, the eldest son, along with William his father, gave the village of Redbard,† a short distance from Carew Castle, to the Knights Templars. He married Margaret, daughter of Richard Fitz-Tancred, and by her had issue William, hereafter mentioned, and Stephen, who gave his estate to religious houses.

† Ex Coll.
Camd. Ex.
Registr.
St. Johan.
Hierosol.

William, eldest son of Otho, is the first of his family who is represented to have taken the name of Carew.^(xx) He had a confirmation‡ of the manor of Moulesford, in the 14th of king John. He married the heiress of Degon (or Tregon), baron of Ydron,§ in the county of Catherlough, in Ireland, the lands of which barony long continued in the line of his descendants,|| whereof

‡ Rot. Char.
14 Joh.

§ Camd.
Britt.

|| Ibid.

Nicholas de Carew, 29 Edw. I., was one of those eminent persons, who, in the parliament¶ at Lincoln, subscribed with his name and seal that memorable letter which was sent to the Pope, maintaining the king's supremacy over the realm of Scotland, on which occasion he was denominated *Nicholas de Carru, Dominus de Mulesford*. He died about the 5 Edw. II.,** having had issue several sons: of which,

¶ Dug. Lists
of Summ.

** Esch.
5 Edw. II.
n. 54.

(^{ww}) The illegitimacy of the house of Fitz-Maurice, earl of Kerry, in Ireland, is stated by Lodge, to be on the authority of Giraldus Cambrensis.—Vide Lodge, Vol. II. p. 101.

(^{xx}) Cotemporary with this William was *Roger de Caru*, who, in the 5th of king John, had a grant for a market at his demesne of Eton, Bucks.—Chart. Rot. 5. Joh. m. 6.

John Carew (or Carru), by Joane or Jane, his second wife, daughter of Richard* Talbot, of the county of Gloucester, had issue another John, which

* Vincent's
Baron. MS.
in Coll. Arm.

John de Carru was both a soldier and a statesman, and served king Edward III. in the wars of France, with great honour and renown, and was by that king made Lord Deputy of Ireland;† and in the 35th of the same reign, had summons to the great council, which was then appointed to convene at Westminster, to take into consideration the affairs of that kingdom. But, excepting on this occasion, and in the parliament at Lincoln, before mentioned, the name of Carru, or Carew, is not noticed among the ancient peerage-barons of the realm.

† Camden's
Annals of
Ireland.

CLARE. (3 EDW. II.)

Richard de Clare, 3 Edw. II., was summoned among the earls and barons of the realm to a parliament convened to meet at York,‡ on the Sunday next after the feast of the Purification.

‡ Claus. Rot.
m. 17.

This Richard was, doubtless, descended from Thomas, a younger son of Richard Clare, earl of Gloucester and Hertford, who died 46 Hen. III., leaving Gilbert, his son and heir, Thomas, his second son, and other issue; which

Thomas de Clare died in the 16 Edw. I., having had issue by Amy, or Juliana, his wife, daughter of sir Maurice Fitz-Maurice, Gilbert, who died the 1 Edw. II.,§ leaving Isabella, his wife, surviving. Richard, summoned to parliament as before mentioned, who, by Joan, his wife, had a son, Thomas, who died without issue, seised of a great estate in Ireland, the 14 Edw. II.,|| when his aunts, Margaret, who married Bartholomew, lord Badlesmere; and Matilda, who married Robert, lord de Clifford, became his co-heiresses; which Matilda seems to have married also Robert de Well.¶

§ Esch.
1 Edw. II.
n. 45.

|| Ibid.
14 Edw. II.
n. 37.

¶ Original.
15 Edw. II.
Rot. 14.

CLIVEDON. (22 EDW. I.)

* Claus. Rot.
22 Edw. I.
m. 8. Dors.

Reymund de Clivedon, 22 Edw. I., had summons, with divers other persons, barons of the realm, to attend the king wheresoever he should then be (but no place mentioned in the writ*) to consult upon the affairs of the nation. But, excepting on this occasion, his name is not contained in any writs of a parliamentary nature.

† Lib. Nig.
Scacc.
Vol. I. p. 100.
‡ Ibid. 165.

The name obtains notice as one very ancient in the county of Somerset; for on the assessment of aid for marriage of the king's daughter, 12 Hen. II., William de Clivedon is certified to hold two knights' fees of Henry Lovel,† and one of William, earl of Gloucester:‡ the last was the manor of Clivedon.

§ Claus. Rot.
25 Edw. I.
m. 15. Dors.

In the 25 Edw. I., Raymund de Clivedon was summoned to attend the king at London,§ on the next Sunday after the Octaves of St. John the Baptist, with horse and arms, ready to sail thence into foreign parts. He bore on his seal, viz. *a Lion rampant Crowned*.

|| Esch. n. 14.

¶ Collinson's Som.
Vol. III.
p. 167.

Edmund (yy) de Clivedon, who was the last of his name, lord of Clivedon, died 50 Edw. III.:|| the estates which he possessed descended to Edmund, the son of Thomas Hogshaw, by Emmelina his wife, daughter and heir of the said Edmund de Clivedon; which Edmund Hogshaw died seised of Clivedon in 14 Ric. II. without issue; whereupon¶ the lands were divided between sir Thomas Lovel, knight, the husband of Joane, one of the sisters of the said Edmund Hogshaw,—and John Bluet, the husband of Margery, the other sister; in which partition the manor of Clivedon was assigned to John Bluet and Margery his wife.

Sir Thomas Lovel, at his death left a daughter and heiress, Agnes, who married sir Thomas Wake, knight, gentleman of the Privy Chamber to king Edward IV.

(yy) There is some reason to believe, that the name of *Raymund* and *Edmund* have been occasionally ascribed to the same person.

COGAN. (24 Edw. I.)

This is the name of a very ancient and eminent family which became famous in the conquest of Ireland, in the time of Henry II., by which monarch,

Miles Cogan, along with Robert Fitz-Stephen (^{zz}) had a grant of the kingdom of Cork. This Miles, together with Ralph, the son of Fitz-Stephen, his daughter's husband, were slain* between Waterford and Lismore, anno 1172; the 26 Hen. II. After him,

Richard Cogan, in the time of king John, held † the cantred of Mustry Omitton, and was a person of great consideration in Ireland; but the principal acquisition of English property was by the marriage of

Sir Miles Cogan with Christian, daughter of Fulk Paganel, lord of Bahuntune or Bamptun, in the county of Devon, and aunt and at length heir (in her descendants) of William Paganel, of Bamptun, who died without issue; and of her niece, Ada de Balun, who likewise deceased issueless.

John Cogan, 51 Hen. III., had a charter ‡ for a market and two fairs at his manors of Baunton and Offculum, in Devonshire, and at Honespull, in the county of Somerset; also in the 53 Hen. III. had another charter § for divers markets and fairs at his manors in Ireland

He may be presumed the same person who, 24 Edw. I., had summons to attend the great council at Newcastle-upon-Tyne, and died the 30th || of the same reign, being then seised of the manors of Baunton (or Bampton) Offculum, and Honespull, before mentioned.

Thomas Cogan, son and heir of John, was twenty-six years old ¶ at his father's death, and deceased 7 Edw. II., ** leaving

* Annals
of Ireland,
citing Gir.
Cambrensis.
† Rot. Char.
7 Joh. m. 5.
In Dors.

‡ Chart. Rot.
51 Hen. III.
m. 2.
§ Ibid.
53 Hen. III.
m. 6.

|| Esch.
30 Edw. I.
n. 29.

¶ Ibid.

** Ibid.
7 Edw. II.
n. 60.

(^{zz}) He was the son of Stephen Constable, of the castles of Cardigan and Pembroke, by Nesta his wife, daughter to Rees Gruffydh, prince of South Wales, who had been a concubine to king Henry I. This Robert had issue Ralph and Frederick, from whom descended the Fitz-Stephens, in Ireland.

* Ibid.

† Rot. Char.
11 Edw. III.
m. 56.

‡ Esch.
41 Edw. III.
n. 15.

§ Ibid.

|| Ibid.
6 Ric. II.
n. 22.

Richard Cogan, his son and heir, sixteen years* of age, who, 11 Edw. III.,† had a license to castellate his mansion-house at Baunton; to empark his wood at Ustolme; and have free warren at Honespull (sive Hunespell), in the county of Somerset. He died 41 Edw. III.,‡ having had issue

William Cogan, his son and heir, who was then about twenty-four years old.§ This William deceased 6 Ric. II.,|| having had issue by Isabel his wife, a daughter Elizabeth, and a son John; which

John Cogan died shortly after, in the 7 Ric. II., about seven years old, leaving the said Elizabeth his sister and heir, who married, 1st. Fulk, lord Fitz-Warine; and, 2nd. Hugh Courtney; but the inheritance of Baunton (or Bampton), with the other estates in England and Ireland, descended to her issue¶ by the lord Fitz-Warine.

¶ Dug. Bar.
V. I. p. 446.

** Esch.
50 Edw. III.
n. 13.

But this John could not be the same person who, 50 Edw. III.,** held two fees in Cogan, in Gloucestershire and the marches of Wales.

COLESHULL. (24 EDW. I.)

†† Willis's
Notit. Parl.

Richard de Coleshull, 18 & 23 Edw. I., was one of the knights†† of the shire for the county of Berks, and, in the 24th of the same reign, was one of those eminent men who had summons to the great council, ordered to assemble at Newcastle-upon-Tyne; but he seems to have died in the same year,‡‡ being then seised of the manors of Aldermaston and Spersholt, in the county of Berks.

‡‡ Esch.
24 Edw. I.
n. 52.

§§ Original.
24 Edw. I.
Rot. 6.

||| Ib. Rot. 7.

¶¶ Rot. Ch.
4 Edw. II.
n. 34.

He probably was a professor of the civil law, as he is denominated §§ *Magister Ricardus de Coleshull*. He died without issue, and his brother Elias, who was his heir, thereupon had livery||| of the inheritance; which ¶¶ Elias, 4 Edw. II.,¶¶ obtained a license for free warren in his demesne lands at Coleshull and elsewhere, in the county of Berks.

COMYN. (35 Edw. III.)

John Comyn, 35 Edw III., was one of those eminent persons who had summons, along with several other great men, to meet a council then convened, to take into consideration the affairs of Ireland; but as this summons was no creation of an English peerage honour, (although the writ is printed in Dugdale's Lists of Summons to Parliament,) an account of him is here the less necessary, inasmuch as the name of John Comyn is not mentioned again in any summons of a parliamentary nature.

CORNEWAILLE or CORNWALL. (35 Edw. III.)

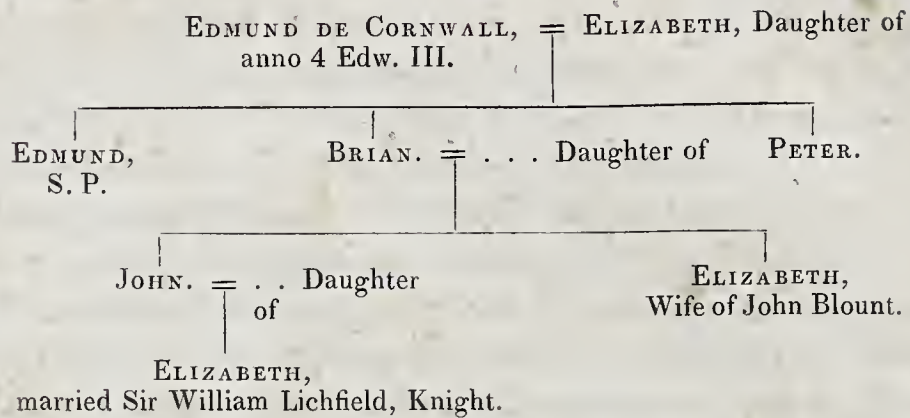
John de Cornewaille, or de Cornwall, 35 Edw. III., is included among other great men, who were summoned to attend a council to be holden on the then critical state of Irish affairs: his name is not however repeated in any subsequent writ, whereby he may be considered to have obtained the rank of an English parliamentary baron.

The name of Cornwall, or at least a great family of that name, is said to have sprung from Richard, earl of Cornwall, brother to king Henry III., which earl is represented to have had two natural sons, Richard and Walter; the former of which Richard de Cornwall was ancestor to the Cornwalls, titular barons of Burford, in Oxfordshire.

Of this name was Geffery de Cornwall, who married Margaret, one of the two daughters and co-heiresses of Hugh Mortimer, baron of Richards Castle,* mentioned in the Dormant and Extinct Baronage of England; and also sir John Cornwall, baron of Fanhope, noticed likewise in the same work.†

* Vol. I.
† Vol. III.

BARONES REJECTI.

*CREKE.*

This barony is one of the many which are unnoticed by sir William Dugdale, although he has mentioned divers others of far less magnitude and importance. It is one which deserves the more attention, inasmuch as, upon the failure of the male line of the Creke family, Fitz-Osbert, who married the heir female of Bartholomew (the last Creke), had summons to parliament among the barons of the realm; as had the family of Thorpe afterwards, who were co-heirs eventually to Fitz-Osbert; under both of which heads the descent of this barony will be more particularly noticed.

CROPHULL. (35 Edw. III.)

This family is of considerable antiquity, and is mentioned with honour in the time of Edward II.; when

* Original.
6 Edw. II.
Rot. 12.

† Ibid.
9 Edw. II.
Rot. 1.

‡ Ibid.
12 Edw. II.
Rot. 5.

Ralph de Crophull had committed to him the counties of Nottingham and Derby, to farm* the issues thereof, during the king's pleasure. Also, in the 9th of the same reign, he had the custody of the counties of Salop and Stafford, with the castle of Stafford, committed† to his care; and, in 12 Edw. II., was appointed‡ escheator on this side Trent. In 1 Edw. III.

he was possessed, along with Maud his wife,* of Bonyngton and Sutton, in the county of Nottingham, with view of frank-pledge and other† liberties, in the said townships. After him, his son,

John de Crophull, seems to have made a considerable figure. He married Margery,‡ or Margaret, widow of William Blount, and one of the daughters and co-heirs of Theobald de Verdon, an eminent baron, who held great estates as well in England, as in Ireland: by reason of which alliance he came to hold lands in both kingdoms, and by virtue thereof had summons§ to attend the great council, holden at Westminster in 35 Edw. III. to take into consideration the state of affairs in Ireland; but he does not appear to have ever had summons, as a parliamentary baron, to the house of peers.

In 30 Edw. III.,|| along with Margery his wife, he had a license to enfeoff Ralph de Crophull, parson of the church of Cottingham, with certain lands and advowsons in the counties of Salop, Leicester, and Hereford. He had issue

Thomas de Crophull, whom, 45 Edw. III.,¶ he enfeoffed in the manors of Neubold-Verdon, Cotesbeche, and Hemyngton, in the county of Leicester, which Thomas married Sibilla, daughter of John de la Bere, knight,** and had issue an only daughter,††

Agnes de Crophull, who married sir Walter Devereux, knight, ancestor of Robert earl of Essex; and, after his death, remarried sir John Parr, of Kyrkeby, in Kendal.‡‡

* Esch.
1 Edw. III.
n. 44.

Sec. Nos.

† Rot. Cha.
1 Edw. III.
n. 56.

‡ Dug. Bar.
V. I. p. 474.

§ Dug. Lists
of Summ.

|| Esch.
30 Edw. III.
n. 12.
Sec. Nos.

¶ Ibid.
45 Edw. III.
n. 58.

** Dug. Mo.
V. I. p. 725.

†† Vide
Burton's
Leic. p. 180,
et Mon. ut
supra.

‡‡ Dug. Mon.
ut supra.

DANE. (1 EDW. II.)

The name of John le Dane has place in the Index to Dugdale's Lists of Summons to Parliament; but on reference to the writ of the year referred to, viz. the 1 Edw. II., no such name is to be found mentioned therein; indeed, no such name as *John le Dane* is noticed anywhere in the charter or patent rolls of that period, but the name of

John le Dene occurs about the 4 Edw. II., when he was appointed §§ chamberlain of the Exchequer; and the name of

§§ Rot. Pat.
4 Edw. II.
m. 6. par. 2.

* Gross
Fines,
6 Edw. II.
Rot. 16.
Kanc.

Stephen de Dane is noticed in 6 Edw. II., at which time he fined* twenty marks to the king for his transgression in acquiring (without license) the manor of Fauconesthurst, from Robert de Fauconer ; but neither the name of *John le Dene*, or *Stephen de Dane*, have any notice in the rolls of the summonses to parliament.

In the Magna Britannia for the county of Kent, the name of *Dane* is mentioned as lord of the manor of St. Peter's, in the isle of Thanet.

DAWNEY. (1 EDW. III.)

Of this name, anciently written D'Auney, or De Alneto, there appear to have been several persons, who, if not related to each other, were cotemporaries, and held considerable lands in the counties of Devon, Somerset, and elsewhere : of these,

† Hearne's
Lib. Nig.
V. I. p. 118.

Richard de Alneto, 12 Hen. II., was certified† by the abbot of Tavistock to hold of him four knights' fees. At the same period,

† Ib. p. 122.

William de Alneto was returned in the certificate‡ of William de Traci, of the county of Devon, as holding of him one knight's fee and a half. Also, at the same time,

§ Ib. p. 96.

Alexander de Alno, or Alneto, of the county of Somerset, certified§ that his ancestors held by the service of one knight's fee, de veteri feoffamento, and that his father gave to Hugh de Alno, his brother, a part of the said fee ; which donation was made to him and his heirs, in the time of king William.

|| Dug. Bar.
V. I. p. 252.

Henry de Alneto is also noticed|| as having married Idonea, one of the sisters and co-heirs to Stephen de Beauchamp, of Essex.

From one of these descended (as it is probable) John de Alneto, D'Auney, or D'Anney ; which

¶ Lodge's
Irish Peer.
Vol. III.
p. 103.

John Dawney, or D'Anney, in the time of Edward I., held the manor of Shunock, ¶ in the county of Cornwall ; (^{3a}) and also divers other lands in

(^{3a}) According to the Magna Britannia (p. 1317, Cornwall), the church of Shunock was built by this family, and two knights of the name lie buried in it.

several counties. He married Jane,* one of the daughters of Peter le Cave, of Cave, in Yorkshire, by —— his wife, daughter of sir Thomas Bromflete : he had issue,

* Collins's
Baronetage,
V. II. p. 165.

Edward Dawney, whose son and heir, Nicholas Dawney, was a person of great note and of considerable estate in the counties of Cornwall, Devon, and Somerset, where he obtained a royal charter† for free-warren in all his demesne lands ; and also a license‡ for a market and fair at his manor of Shunock.

† Rot. Char.
6 Edw. II.
n. 63.

‡ Ibid.
8 Edw. VI.
n. 56.

In the 1 Edw. III. he was one of those great men who had summons to be at Newcastle-upon-Tyne, with horse and arms, to march against Robert de Brus : but this summons does not purport to have been a call to parliament *ad tractandum*. After this period, he is represented § to have peregrinated to the Holy Land, where he greatly distinguished himself against the infidels ; and on his return, brought with him a very rich and curious medal, which for a long time was, if it is not at this day still, remaining in the possession of the family.

§ Lodge's
Irish Peer.
Vol. III.
p. 103.

This Nicholas deceased about the 6 Edw. III.,|| having had issue by Elizabeth, or Joane, his wife, daughter of ————, several sons, whereof

|| Esch.
6 Edw. III.
n. 79.
Sec. Nos.

John Dawney seems to have been the eldest son, as he inherited the estates of his father in the counties of Cornwall, Devon, and Somerset, where he had a confirmation¶ of the privilege of free-warren, which his said father had before obtained. He died about the 20 Edw. III.,** leaving issue, by Sibyl his wife, an only daughter and heir, Emmeline ; which

¶ Rot. Cha.
10 Edw. III.
n. 53.

** Esch.
20 Edw. III.
n. 33.

Emmeline Dawney, married sir Edward Courtney, knight, son and heir-apparent of Hugh, the second earl of Devon, and died about the 45 Edw. III.,†† being then seised of the greater part of her father's inheritance‡‡ in Cornwall, Devon, and Somersetshire, as before mentioned. By her husband, sir Edward Courtney (who died in the lifetime of his father Hugh, earl of Devon), she had issue Edward, the third earl of Devon, and Hugh Courtney, of Haccombe and Boconnock ; whose descendants, under the account of the Courtneys, earls of Devon, may be seen more at large

†† Ibid.
45 Edw. III.
n. 15.

‡‡ Ibid.

From Thomas Dawney, §§ brother to John, the father of Emmeline, the

§§ Lodge's
Irish Peer.

family of the present viscount Downe, of the kingdom of Ireland, is considered to be derived.

DRAYCOTE. (24 EDW. I.)

Of this name, Richard de Draycote, by the description of *Dominus de Wyleton*, was among the great men summoned to attend the king at Newcastle-upon-Tyne, with horse and arms, on the 1st of March, the 24 Edw. I.; and, in the following year, he had summons with the earls and barons of the realm to attend a parliament, to be holden at Salisbury, on the feast day of St. Matthew the Apostle.*

* Rot. Clau.
25 Edw. I.
m. 25. Dors.

But, excepting on these occasions, the name of Draycote has no mention in the writs of summons to parliament.

Besides him there was Robert de Draycote, who, the 21 Edw. I., was seised of the manors of Radlynch and Draicote, in Somersetshire.†

† Esch.
21 Edw. I.
n. 23.

ERLES. (35 EDW. III.)

William de Erleia, Erleigh, or Erle, 12 Hen. II., upon the assessment of aid for the marriage of Maud, the king's daughter, certified ‡ that he held one knight's fee, *de veteri feoffamento*, by the service of being the king's chamberlain; but that he held nothing *de novo feoffamento*, a circumstance which clearly points out the antiquity of this family. The said William was the founder of a priory at Buckland, in Somersetshire, to which he gave the church of Beckington, in that county.

‡ Hearne's
Lib. Nig.
Scacc.
V. I. p. 101.

John de Erleigh, his son and heir, held § the manor of North-Pederton, in the county of Somerset, of the king in fee-farm, by the rent of one hundred shillings, to be paid yearly at the Exchequer. He likewise held || certain lands at Corsham, in Hampshire (to which he was heir), by serjeanty.

§ Lib. Fœd.
V. I. p. 707.

|| Ibid.
V. II. p. 133.

¶ Collins.
Somers.
V. II. p. 199.

Henry de Erleigh, his grandson, and at length heir, ¶ (Erley, or Erle,)

held one knight's fee of the king in capite, in Erleigh (or Erley), near Reading, in Berkshire; and also* the manor of Somerton Parva, (or Somerton Erleigh) in Somersetshire, of the king in capite, by serjeanty; but the service was at that time unknown.† At this period the record‡ styles him *Dns. Henri de Erleg*. He was one of those eminent men who had summons to the great council or parliament, convened the 45 Hen. III. to meet at London.§ After, when he died, 4 Edw. I., being then seised|| of the manor of Erleigh, near Reading, as before mentioned, and leaving his heir in minority.¶

John, grandson of Henry de Erle, died 17 Edw. II.,** when it was found that he was seised of the manor of Erle aforesaid, together with the manors of North Pederton, Somerton Parva, and several other manors†† in the county of Somerset. This John had a grant‡‡ of a market and fair at his manors of North, alias Nether Pederton and Bekington, in the 12 Edw. II.

John de Erle, next *lord of Erle*, 19 Edw. II.,§§ had the charge of the counties of Somerset and Dorset, and of the castle of Shireborne, committed to his care. He died||| about 11 Edw. III., possessed of Erle, Somerton Parva, North Pederton, &c., leaving Elizabeth, his wife, surviving, who had her dower in the manor of Somerton, Ballcare, and Pury; and departed this life the 34 Edw. III.¶¶ He had two sons, John and Richard; and three daughter, *viz.* Catherine, prioress of Buckland; Elizabeth, wife of sir John Stafford; and Alice, wife of sir Nicholas Poyntz, knight.*†

John, son of John de Erle, 35 Edw. III., was one of those eminent persons (as it would seem) who had summons†† to attend a great council, to be then holden at Westminster, in order to deliberate upon the disturbed state of Ireland, as affecting him and others holding lands in that kingdom, in the capacity of heirs to Caumville.‡§ But this writ, by which the said John de Erle was so summoned, was addressed§|| to the sheriff of Staffordshire, whereby it is evident that it was not a call to parliament in the nature of a creation of a parliamentary peerage.

The 36 Edw. III. he had a license||¶ to enfeof Robert de Erle, his son, of the fishery at Erle, in the water of Lodyn; and the 44th of the same

*Collinson's
Somers.
V. I. p. 751.

† Ibid.

‡ Ibid.

§ Claus.
45 Hen. III.
m. 3. Dors.

|| Esch.
4 Edw. I.
n. 72.

¶ Original.
4 Edw. I.
Rot. 5 & 19.

** Ibid.
17 Edw. II.
n. 57 & 62.

†† Ibid.
‡‡ Rot. Cha.
12 Edw. II.
n. 54.

§§ Original.
19 Edw. II.
Rot. 18.

||| Esch.
11 Edw. III.
n. 11.

¶¶ Ibid.
34 Edw. III.
n. 77.

Sec. Numb.

*† Collins.
Somerset,
V. II. p. 199.

†† Dugd.
Lists Sum.

‡§ Ibid.

§|| Ibid.

||¶ Esch.
36 Edw. III.
n. 65.

* Ibid.
44 & 45
Edw. III.
n. 42. 49.
Sec. Nos.

reign, had the like license* to enfeof John Cole, of Bridgewater, and Margery his wife, in the manors of North Pederton, Somerton Parva, Dunston, and Bekynton, in the county of Somerset, with remainder over to himself and his heirs.

† MS. voc.
Chaos. In
Coll. Arm.

‡ Ibid.

§ Ibid.

This John is probably the same who† married Margaret, daughter of sir Guy de Bryan, knight of the garter, and had issue a son, John de Erle (or Erleigh), who married‡ Isabel, daughter of John Pavely, and had a daughter and heir, Margaret, who became§ the wife of John St. Maur, second son of sir Richard St. Maur, knight; after whose death she married, 2ndly. sir Walter Sondes, knight; and 3rdly. sir William Cheney, knight; and died 21 Hen. VI.¶ The said John St. Maur, according to Collinson, left a son John, his heir, who was father of sir Thomas St. Maur, whose son John had issue sir William, and two daughters, whereof Margaret married William Bampfylde, of Poltimore, in Devonshire, and Anne was wife to Robert Stawel, esq. Sir William St. Maur having had only a daughter, Margaret, who died without issue; the families of Bampfylde and Stawel became the co-heirs of this family.¶¶

|| Collins.
Somerset,
V.II.p. 199.

¶ Ibid.

** Fuller's
Worthies,
269.

†† Ib. 267.

This statement of Collinson is, however, contradicted by the evidences in the possession of the late Mrs. Earle Drax Grosvenor, which set forth that John de Erle,** who was summoned to the great council, 35 Edw. III., died in 11 Hen. IV., leaving John, his son and heir, who married the daughter and heir of John Pavely,†† and left issue one daughter, Margaret, who married three husbands, and left issue only *one daughter, Margaret*; which Margaret, *sole heiress of Margaret, daughter of John de Erle*, married John Erle, of Ashburton, in the county of Devon, and had a son, John Erle, who was seised of Culhampton, in Devonshire, and of Charborough, in the county of Dorset; which last estate, in the course of various descents, at length came to the aforesaid Mrs. Erle Drax Grosvenor, as an heir-general of the family.

Collinson says, John de Erleigh, 8 Edw. II., bore on his seal *three Eschallops*, which arms were used by his descendants within a Bordure, engrailed G. and A.

FITZ-BARNARD, or BERNARD. (6 EDW. II.)

Thomas Fitz-Bernard, a person of note, of whose name Dugdale, in his Baronage, has not taken any notice, appears, nevertheless, to have pretensions to be considered as one of the barons of the realm : for, although he might not be a baron by reason of his tenure, yet, if a call to parliament by writ of summons, with a repetition of the writ for divers other parliaments in succession, may be deemed the creation of a parliamentary peerage, the name of Thomas Fitz-Bernard has as much right to be received and esteemed in the light of a baron, as that of any other person, similarly advanced to the like honour.

This Thomas had summons* to parliament among the barons of the realm; from the 6th to 15 Edw. II., both years inclusive.†

* Dugd.
Lists Sum.

† Clau. Rot.
iisd. Ann.

With regard to the family of Fitz-Bernard, it is noticed as one of very ancient standing in the county of Kent, where Robert Fitz-Bernard, 21 Hen. III., was sheriff, and exercised that office till the 30th of that king's reign,‡ having his capital mansion at Kingsdown, near Farningham ; which manor the family had by grant from Henry I.

‡ Philpot's
Kent, p. 19.

Thomas Fitz-Bernard, in the time of king John,§ had a grant to him and his heirs of the marshalship of the king's birds.

§ Rot. Cha.
5 Joh.

Ralph Fitz-Bernard, 24 Edw. I., had summons to attend the king, for an expedition then to be made into Scotland ; but the first who had summons as a baron to parliament was the before-mentioned Thomas Fitz-Bernard, who died before 8 Edw. III., at which time, on the death of Bona, his widow,|| John, his son and heir, had livery of the lands she held in dower;¶ which

|| Esch.
8 Edw. III.
n. 49.

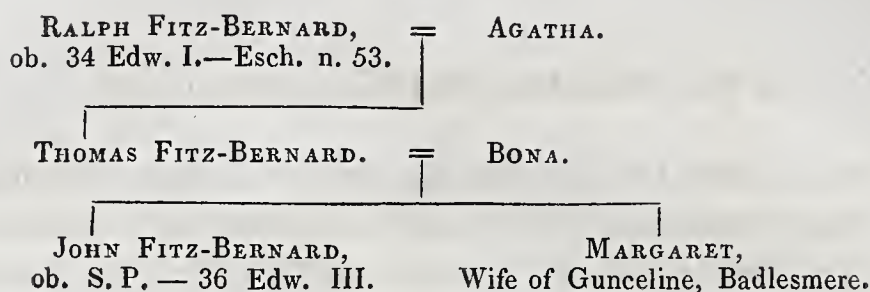
John Fitz-Bernard is not stated to have had the like summons to parliament as his father. He died 36 Edw. III.,** when, according to Philpot, in his History of Kent, the said John having deceased without issue, the four daughters of Bartholomew, lord Badlesmere, were his heirs, in right of their mother, who was his sister and heir, and wife of Gunce-line, lord Badlesmere.††

¶ Original.
8 Edw. III.
Rot. 5.

** Esch.
36 Edw. III.
n. 79.

†† Philpot's
Kent,
p. 203.

BARONES REJECTI.

*AUCHER FITZ-HENRY.* (2 Edw. II.)

* Dug. Lists
of Summ.

† Ibid.

Hugh Fitz-Henry, 22 Edw. I., was one of those eminent persons who had summons* to attend a parliament, but the particular place of whose meeting, does not appear to be mentioned † in the writ which bears date at Westminster, the 8th of June, in the year aforesaid. After him, (^{3b})

‡ Ibid.

§ Vid. Esch.
13 Edw. III.
n. 18.

|| Dormt. &
Ext. Bar.
Vol. I.

Aucher Fitz-Henry is noticed, who had summons to parliament among the barons of the realm, ‡ from the 2nd to the 19 Edw. II., both inclusive. § He married Joan, daughter and co-heir of John de Bellâ Aquâ (or Bellew), by Laderina his wife, youngest sister and co-heir to Peter, the last baron Brus, of Skelton, || and thereby having acquired a certain part of that ancient baronial estate, the said acquirement may be considered to have been the cause of his summons to parliament, as before mentioned.

¶ Collins's
Parl. Prec.
p. 391.

** Vid. Esc.
18 Edw. III.
n. 60.

He had issue ¶ Henry Fitz-Aucher,** father of another Aucher Fitz-Henry: but none of these have their names mentioned in any subsequent lists of summons to parliament.

(^{3b}) This Hugh Fitz-Henry appears to have been the father of the first lord Fitz-Hugh, and to have had summons to parliament, not only in the said 22 Edw. I., but in the 29th of the same reign, when, by the denomination of "*Hugo, filius Henrici Dominus de Ravenswath.*" He was one of those eminent persons who, in the parliament at Lincoln, subscribed the famous letter to the Pope, asserting the supremacy of king Edward over the realm of Scotland. But, respecting these summons, Dugdale, in his Baronage, has made no mention under his account of the Fitz-Hugh family.

FITZ-MARMADUKE. (29 Edw. I.)

In 29 Edw. I. John Fitz-Marmaduke was one of those eminent persons who,* in the parliament at Lincoln, subscribed and affixed their seals to that memorable letter which was then addressed to the Pope, asserting the king's supremacy over the realm of Scotland; on which occasion he was thus denominated;† viz. "*Johannes filius Marmaduci de Hordene.*"

* *Dug. Lists of Summ.*

† *Ibid.*

He was probably the son of Marmaduke Fitz-Geoffrey, who, 45 Hen. III.,‡ had a license to embattle his mansion-house of Hordene, in the bishopric of Durham.

‡ *Rot. Pat. 45 Hen. III. m. 20.*

But Collins and Edmondson, in their respective accounts of the Lumley family, state the said John Fitz-Marmaduke to have been a son of Marmaduke Lumley, second son of William, only son and heir of William Lumley, by Judith his wife, daughter of Hesildine, of Hesildine, in the county of Durham. The record, however, before cited,§ seems to rebut their assertion.

§ *Ibid.*

Moreover, another authority|| recites, that the said John Fitz-Marmaduke married Isabel, daughter and heir of Robert Brewys, lord of Stranton, in Northumberland, and had issue a son, Richard Fitz-Marmaduke; which

|| *MS. vocat Quid Non. No. 6. p. 91. In Coll. Arm.*

Richard Fitz-Marmaduke died issueless, and his sister Mary became his heir, who married — Lumley, grandfather to Marmaduke Lumley, whose issue, 15 Ric. II., possessed the manor of Stranton, before mentioned.

FITZ-OSBERT. (22 Edw. I.)

This name is of very ancient standing; for in 12 Hen. II., upon the assessment of aid for the marriage of Maud, the king's daughter,

Rouel Fitz-Osbert is mentioned in the certificate¶ of Hubert de Rie, of the county of Norfolk, as holding of him five knights' fees. At the same period also,

¶ *Hearne's Lib. Nig. Scacc. V. I. p. 289.*

* Hearne's
Lib. Nig.
Scacc. V. I.
p. 228.

† Ib. p. 103.

‡ Rot. Vasc.
22 Edw. I.
m. 8. in
Dorso.

§ Dug. Lists
of Summ.

|| Esch.
31 Edw. I.
n. 176.

¶ Ibid.

** Hist. of
Norfolk,
Vol. V. p. 40.
Gallow.

†† Ex. Stem.
de Famil.
Jernegan.

‡‡ Camd.
Brit. in
Com. Suff.

§§ Rot. Pat.
8 Hen. IV.
par. 2. m. 16.

Richard Fitz-Osbert was certified by Geoffrey, earl of Essex,* to hold of him four knights' fees. And at the same time, likewise,

Hugh Fitz-Osbert was noticed in the certificate† of the bishop of Salisbury, as holding of him certain lands, by the service of half a knight's fee.

These persons were all cotemporary, but how, or whether at all related to each other, is not certain. Of the same name,

Roger Fitz-Osbert, 22 Edw. I., was one of those eminent persons who had summons‡ to attend a parliament then to be assembled and holden; for the writ (which is dated at Westminster, the 8th of June,) purports to be *habere colloquium et tractatum*; § but no place is appointed for the meeting of the said parliament.

This Roger was the son of Peter Fitz-Osbert, and Catherine his wife; || which Peter was the son of Osbert, and Sarra his wife. The said Roger Fitz-Osbert married Sarah, sister and heir to John de Creke, lord of Creke, in the county of Norfolk, and (^{3c}) deceased about the 34 Edw. I., ¶ being then seised of the manor of Somerleton (his chief seat), with divers others in the counties of Suffolk and Norfolk. Having no surviving issue, (for Margaret his daughter died before him,) his sister Isabella de Walpole, and John Negoun (or Noiun), son of Alice, his other sister, were found to be his co-heirs. The said

Isabella Fitz-Osbert was twice married; her first husband was sir Henry de Walpole,** (ancestor of the Walpoles, earls of Orford, &c.) whom surviving, she married, secondly, sir Walter Jernegan†† (or Jerningham), progenitor to the baronet's family of that surname: who thereby, as Camden relates, ‡‡ came to the inheritance of Somerleton, and other lands of the Fitz-Osbert estate, which they long continued §§ to possess.

(^{3c}) This Sarah must have been his first wife; as Catherine was his widow, and, among other lands, held the manor of Carleton, co. Norf. in dower.—Hist. of Norf. Vol. II. p. 46; Depwade.

ROBERT FITZ-ROGER. (23 EDW. I.)

Robert Fitz-Roger, 23 Edw. I., had summons among the earls and barons of the realm to a parliament, convened to meet at Westminster, the Sunday next after the feast-day of St. Martin, 23 Edw. I. ;* and the like summons he had in the several subsequent parliaments of the 24th, 25th, 27th, 28th, 30th, 32nd, 33rd, 34th, and 35th of the same reign ; and the three first years of Edward II.† But after that period, no further mention is made of him.

* Clau. Rot.
In. Dors.
m. 4.

† Dug. Lists
of Sum.

In 29 Edw. I. he was one of the barons who, in the parliament at Lincoln, subscribed the letter then agreed to be sent to the Pope, touching the king's supremacy over the realm of Scotland ; on which occasion he is written, " *Robtus fit Rog Dñs de Clavyng.*" He does not appear to have used the surname of Clavering, which, nevertheless, his son John assumed ; who, in his lifetime, by the designation of John de Claveryng, had summons to several parliaments in the same years along with him, from 28 Edw. I., as may be more fully seen‡ in the Dormant and Extinct Baronage of England.

‡ Vol. I.
p. 266.

ANDR̃ FITZ-ROGER. (27 EDW. I.)

In the parliament summoned to meet at Westminster, in five days of Easter, 27 Edw. I.§ The name of Andr̃ Fitz-Roger is included among the earls and barons, then required to give their attendance on the special affairs of the nation. But who this person was, is not set forth, unless it may be presumed he was a brother of Robert Fitz-Roger, before mentioned.

§ Clau. Rot.
27 Edw. I.
In Dorso.
m. 16.

JOHN FITZ-ROGER. (27 Edw. I.)

This name also appears in the list of the earls and barons summoned to attend a parliament, convened to meet at London, on the first Sunday in forty days after the teste of the writ, the 6th of February, in the 27 Edw. I. :* but who he was, is equally uncertain with the Andř Fitz-Roger before named.

* Clau. Rot.
27 Edw. I.
In Dorso.
m. 18.

FITZ-WALTER DE DAVENTRE. (25 Edw. I.)

This family is a younger branch of the house of Fitz-Walter, of Wodeham-Walters, and originated in the person of

† Dug. Bar.
V.I. p. 218.

Simon, second son to Robert, the founder of that family; which Robert† gave to the said Simon the lordship of Daventre, in the county of Northampton.

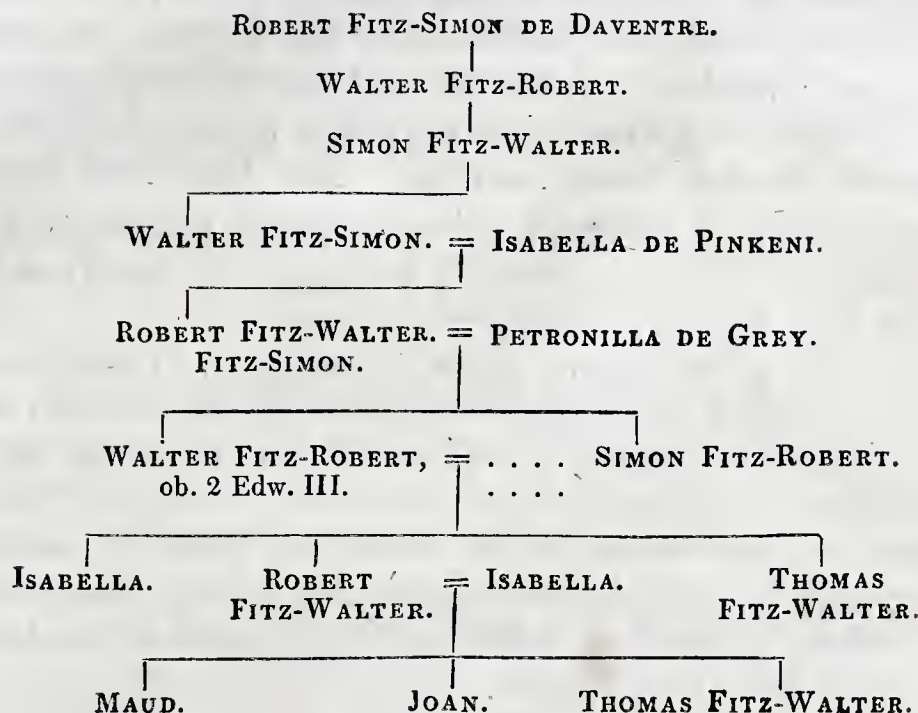
This Simon had issue Robert de Daventry, whose son,

Walter Fitz-Robert de Daventre, in the time of Henry II., held eight hides of land in Daventre, of the fee of Huntingdon; from whom descended Robert Fitz-Walter Fitz-Simon; which

† Clau. Rot.
In Dorso.
m. 25.

Robert Fitz-Walter had summons to a parliament, convened to meet at Salisbury, on the feast-day of St. Matthew the Apostle, 25 Edw. I. : † but his name is not enrolled afterwards in any other writ of a similar nature.

In Bridge's Northamptonshire, under the article of Daventry, the following descent of his family is given:—

*FOXLE.* (8 Edw. II.)

This name is not of baronial rank, by reason of any territorial holding, or antiquity; but owes the dignity it attained to, from the study of the law.

John de Foxle, (^{3d}) 2 Edw. II., was constituted* a baron of the Exchequer; and, in that capacity, had summons to parliament† with the rest of the judges and king's counsel. But, 8 Edw. II., he had summons to parliament *as a baron*;‡ for it appears that the writ by which he was so summoned, was the same as that by which the peers or nobility of the realm were convocated to parliament. In the following years, however, his name is only mentioned with those of the justices and counsel.§

* Rot. Pat.
2 Edw. II.
n. 15.

† Dug. Lists
of Sum.

‡ Ibid.
Rot. in Dor.
m. 35.

§ Ibid.

(^{3d}) Sive Foxley; the name of a manor in the county of Wilts.

* Esch.
18 Edw. II.
n. 38.
† Ibid.
‡ Cha. Rot.
10 Edw. II.
n. 26.

He died about the 18 Edw. II.,* being then seised, with Constantia† his wife, of considerable lands in the counties of Southampton, Buckingham, Berkshire, and elsewhere: in the first and last of which counties he obtained, 10 Edw. II.,‡ a charter for free warren throughout his demesnes at Bromeshull, Hayshill, Eversle, and Bray. After him,

§ Rot. Cha.
21 Edw. III.
n. 5. apud
Cales.

Thomas de Foxle is evidenced to have possessed the manors of Bray and Bromeshull,§ with divers others in the counties of Berks and Southampton, 34 Edw. III.;|| in which reign also, another

|| Esch.
34 Edw. III.
n. 55.

John de Foxle is noticed as a person of some note, to whom the king was pleased to grant¶ the custody of the castle of Southampton; as likewise of the park at Lyndhurst, and the new Forest, to hold for life by the payment of 130*l.* per annum.

¶ Rot. Pat.
50 Edw. III.
m. 27.

** Vol. II.
p. 49.

Hutchins, in his History of the County of Dorset,** mentions a Thomas Foxley to have left a daughter and heiress, Elizabeth, who married Thomas Uvedale, of Wickham, in the county of Southampton, and had issue a son, Henry Uvedale.

FRENE. (10 EDW. III.)

†† Dug. List
of Sum.

‡‡ Mille's
Cat. of Hon.
and Dugd.
Baron.

§§ Pat. Rot.
10 Edw. III.
m. 42.

||| Ibid.

¶¶ Rot. Cha.
19 Edw. I.
n. 1.

*† Rot. Pat.
21 Edw. I.
m. 12.

†† Hearne's
Lib. Nig.
Scacc.
Vol. I. p. 51.
Heref.

In the 10 Edw. III. Hugh de Frene had summons to parliament†† among the barons of the realm; but only in that year, and no more. This Hugh is presumed to be he who married‡‡ Alice, daughter and heir of Henry de Lacy, earl of Lincoln, widow—first of Thomas, earl of Lancaster,§§ and 2ndly., of Eubolo le Strange: in right of which lady, he is said||| to have claimed the earldom of Lincoln. He, however, by her had no issue.

The family of De Frene was long of high repute in Herefordshire, where, 19 Edw. I., Hugh de Frene had a charter¶¶ for free-warren in his lands at Mockas and Sutton; and, in the 21st of the same reign, had a royal license*† to castellate his manor-house at Mockas aforesaid.

Walter del Freisne appears to have been an ancestor to the said Hugh; which Walter, 12 Hen. II., was certified†† by Adam de Port, to hold three knights' fees of his barony, in the county of Hereford.

Alured del Freisne was cotemporary with Walter, and, in the same certificate* of Adam de Port, is mentioned as holding the third part of a knight's fee of his barony.

Richard de Frene held Sutton Frene and Mockas, in Herefordshire, in the time of Edward III.†

* Hearne's
Lib. Nig.
Scacc.
V. I. p. 51.
Heref.
† Esch.
49 Edw. III.
n. 51.

FRESELL. (26 EDW. I.)

Simon Fresell, 26 Edw. I., was one of those persons who, by the denomination of a baron,‡ was summoned to attend the king at Carlisle, equipped with horse and arms: but as this writ by no means imports to be a summons to parliament for the purpose of legislation, and as the name of Fresell does not occur in any subsequent summons, other than of the like nature in the following year to the same place,§ there seems no reason to consider that any inheritable barony was vested in this family.

‡ Dug. Lists
of Sum.

§ Clau. Rot.
27 Edw. I.
In Dorso.
m. 14. & 12.

Agas, or rather Agatha, daughter and heir (after the death of her brother) of a sir Richard Fresell, or Fryssel, by Catharine his wife, daughter and co-heiress of sir John Geedinge, in Suffolk, married sir Simon Saxham, and had a daughter and heir, Joane, who married Nicholas Drury, of Thurston, ancestor to the family of Drury Baronets. ||

|| Collins's
Baronetage,
Vol. V.
p. 248.

GERNON. (35 EDW. III.)

John de Gernon, 12 Edw. III.,¶ was appointed one of the justices of the Pleas in Ireland; and in the 15th of the same reign,** was constituted chief-justice. After him, (³ᵉ)

¶ Rot. Pat.
12 Edw. III.
m. 34. p. 2.

** Ibid.
15 Edw. III.
m. 27. p. 2.
*† Ibid.
50 Edw. III.
m. 31. p. 2.

Roger de Gernon is mentioned as having a grant*† of the manor of Donaighmain, in Ireland, to hold at the annual rent of 26s. 8d., with power to sell any part or parcel thereof to any one in England.

(³ᵉ) In the year 1329 John and Roger Gernon (brothers) are stated to have been concerned in the murder of the earl of Louth, lord chief-justice (or governor) of Ireland.

* Camd. in
Mag. Brit.
&c.

But at what period this family first became connected with Ireland,—or how, whether by grant or intermarriage, authorities are silent: though Camden* recites, that, among many others of English original, the Gernons were then remaining in the county of Louth. (^{3f})

Of this Irish branch it may be presumed, the principal representative was Nicholas de Gernon; which

Nicholas, was likely the grandson of William Gernon, hereafter mentioned, by his wife the sister of Nicholas de Tregoz; and was, perhaps, so called Nicholas, from his said great-uncle Tregoz. This

† Dug. Lists
of Sum.

‡ Ibid.

Nicholas Gernon, (^{3g}) 35 Edw. III., was one of those persons who, by reason of their tenure of certain lands in Ireland, were then summoned† to attend a great council to be holden at Westminster, to take into consideration‡ the state of affairs with respect to that kingdom; but as this summons does not import to be for the assembling of any parliament for the general purposes of legislation, the writ can by no means be considered as the creation of any inheritable peerage dignity in the person of the said Nicholas, or of his heirs.

The family of Gernoun is certainly of great antiquity, as noticed in Domesday Book; but, nevertheless, none of the name are recorded among the parliamentary barons of the realm, although, at various times and in several branches, they possessed very considerable estates in divers counties, and particularly in Norfolk, Essex, Hertfordshire, and Derbyshire.

§ Edmond-
son, Collins,
&c.

|| Vincent's
Discov. of
Brooke's
Errors.

Matthew de Gernon, grandson and heir to Robert,§ who came in with the Conqueror, married|| Hodierna, daughter and co-heir to sir William de Sackville, second son of Herbrand de Sackville, and brother to Robert, lineal ancestor to the duke of Dorset. By this lady he had issue

Ralph de Gernon, who, by his wife, sister to William de Briwere, had another

(^{3f}) In 1681 Margaret, only daughter of Nicholas Gernon, of Milton, county of Louth, married William Fortescue, of Newrah, in the same county, esq.

(^{3g}) Nicholas Gernoun, knight, and Thomas Wingfield, held lands in Swyftlynge, Pesenhall, Rendham, and Bergham, Suffolk.—Vide Inq. ad. Q. D. 37 Edw. III. n. 29, p. 334.

Ralph de Gernon, founder* of Lees Priory, in Essex, who died about the 32 Hen. III.,† leaving, by his wife, a daughter married to — Basset.

William de Gernon, his son and heir, who died 43 Hen. III.,‡ having had issue by Eleanor, (^{3h}) his wife,§ two sons—Ralph, his successor, and Gefferey, whose son Roger, by the heiress of Potton, lord of the manor of Cavendish, in the county of Suffolk, had a numerous issue, who took the name of Cavendish, and became the ancestors of that family, and of the present duke of Devonshire.

Ralph de Gernoun, eldest son of William, before mentioned, had summons to the parliament of 45 Hen. III.,|| and deceased the 2 Edw. I.,¶ and was succeeded by

William de Gernon, his son and heir, who died about 1 Edw. III.,** leaving, by Hawyse his wife, sister and at length co-heir to Nicholas de Tregoz, a son John, his successor, and Thomas, father (as conjectured) of Nicholas, before mentioned; which

John de Gernon died about 8 Edw. III., having had issue by Alice, sister and co-heir to Edmund Colville, of Castle Bytham, a son

John de Gernon, his successor, who, 39 Edw. III., was sheriff of the counties of Essex and Hertford, and deceased in January, 1384, the 7 Ric. II., leaving issue, by Alice his wife, two daughters, his co-heirs; viz. Joan, wife of John Bottetourt, and Margaret,†† of sir John Peyton, knight, who in her right obtained the manor of Wicken, in Cambridge-shire,‡‡ and was progenitor to sir Edward Peyton, of Isleham, created a baronet at the first institution of that order.

Having thus deduced the elder male line of William, the son of Ralph de Gernon, to its termination in female co-heirs; it remains to be noticed, that Edmondson§§ states, that the said Ralph had a second wife named Hawyse, by whom he had a son John, who died about 15 Edw. II., leaving, by Elizabeth his wife, a son William, who at that time||| was seventeen years of age and upwards, and heir to his father. This

William de Gernon, 24 Edw. III.,¶¶ by the description of “ William,

* Monast. Anglic. V. II. p. 362. lib. 51.

† Esch. anno incerto Hen. III. n. 216.

‡ Esch. 43 Hen. III. n. 24.

§ Seager's Baron. MS.

|| Claus. 45 Hen. III. m. 3. Dors.

¶ Esch. 2 Edw. I. n. 19.

** Ibid. 1 Edw. III. n. 65.

†† Mic. Fin. 18 Ric. II. Rot. 4. b.

‡‡ Ex Stem. Fam. de Peyton.

§§ Baron. General. in Fam. de Cavend.

||| Origin. 15 Edw. II. Rot. 24.

¶¶ Esch. 24 Edw. III. n. 19. Sec. Nos.

(^{3h}) Morant (Vol. I. p. 158,) calls her Beatrix, daughter and heir of Henry de Theydon, and names three sons; viz. Ralph, Arnulph, and Gefferey.

on of John Gernon, and Elizabeth his wife," was enfeoffed by his cousin John Gernon, with certain lands in the Hundred of Lexden, in Essex; and, 31 Edw. III., was sheriff of London.

HARDREDESHULL. (16 Edw. III.)

* Dug. Ant.
Warwick.
p. 777.

This family was of great antiquity in the county of Warwick, where Hugh de Hardredeshull was possessed of the manor of Hartshill,* in the time of Henry I.

William Hardredeshull, grandson of the said Hugh, in the 3rd of king John, served the office of sheriff, for Warwickshire and Leicestershire, for William de Cantilupe. His grandson, another William, in 43 Hen. III., did homage for all those lands in Lincolnshire, whereof Grace de Lisle died seised, and were of his inheritance. He died the 46 Hen. III., leaving

Robert de Hardredeshull, his son and heir, who, taking part with the rebel barons under Montfort, earl of Leicester, was slain fighting on their behalf at the battle of Evesham.

Sir John de Hardredeshull, brother to the said Robert, had the manor of Hartshill, which was exempted from forfeiture by the Dictum de Kenilworth. His arms were "*a Border with Martlets;*" but afterwards changed, *viz.* "*Arg. a Chevron S. between 10 Martlets. G.*" He died 4 Edw. I., leaving

William, his son and heir, in minority, who, 20 Edw. I., having done his homage, had livery of his inheritance 29 Edw. I. He had summons to attend, with other eminent persons, at Berwick-on-Tweed, to march with the king into Scotland; but shortly afterwards he died, 32 Edw. I., being only about thirty-three years of age.

John de Hardredeshull, son and heir of the aforesaid William, was about ten years old at his father's death, and attaining his majority about the 6 Edw. II., had livery of his lands. Shortly after, when, attending the king into Scotland, he was taken prisoner at the disastrous battle of Bannocksburne, where the English army was so signally defeated by the Scots, under their king Robert Bruce.

After his liberation, he was in several high offices and employments in

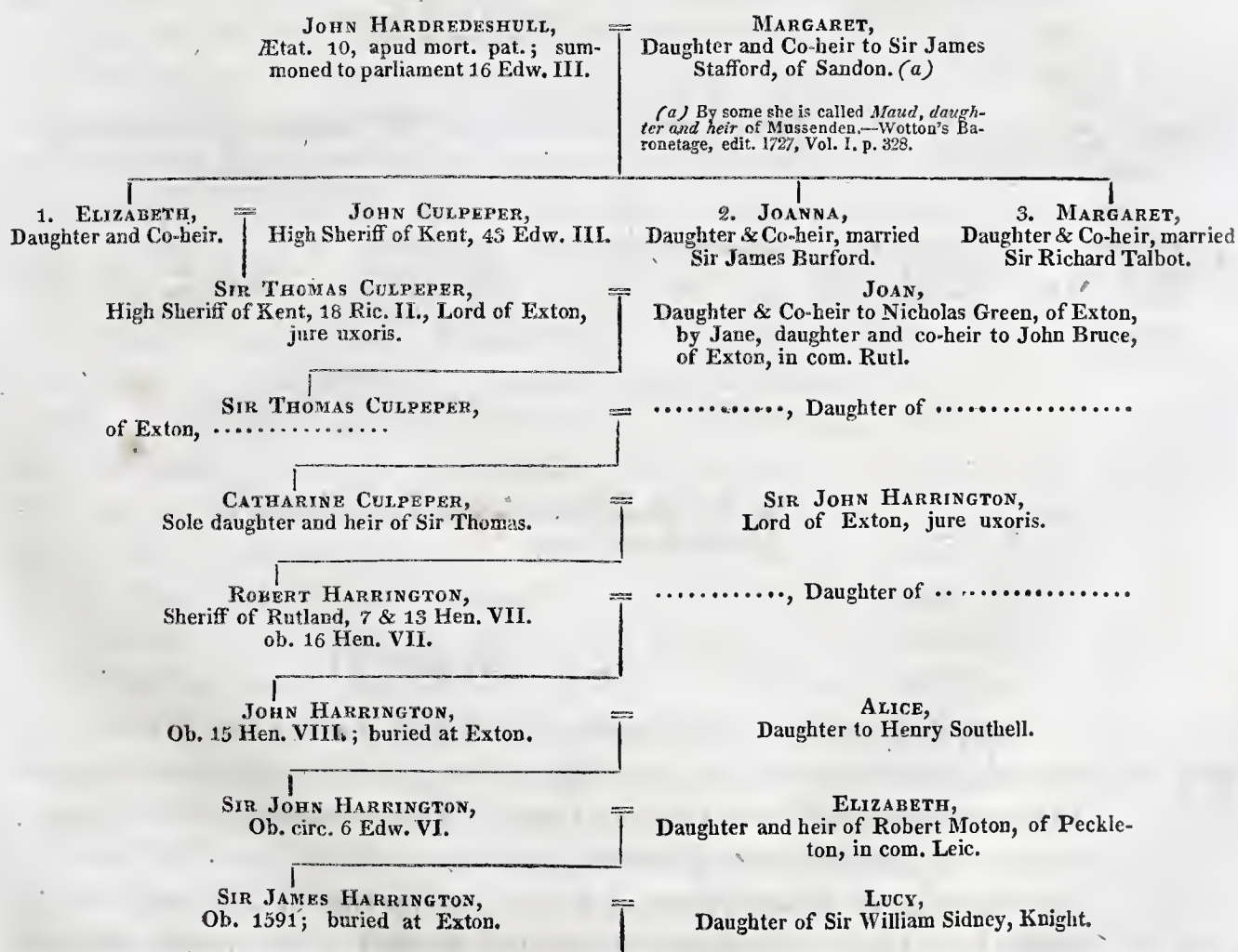
the reign of Edward II.; and, 16 Edw. III., is mentioned by Dugdale to have had summons* in the character of a baron, among the earls and other nobility of the realm.

He married† Margaret, one of the daughters and co-heirs of sir James Stafford, of Sandon, knight, by whom he had issue three daughters, his co-heiresses; viz. Elizabeth, wife of John Culpeper; Joane, of sir James de Burford, knight; and Margaret, of sir Richard Talbot, knight.

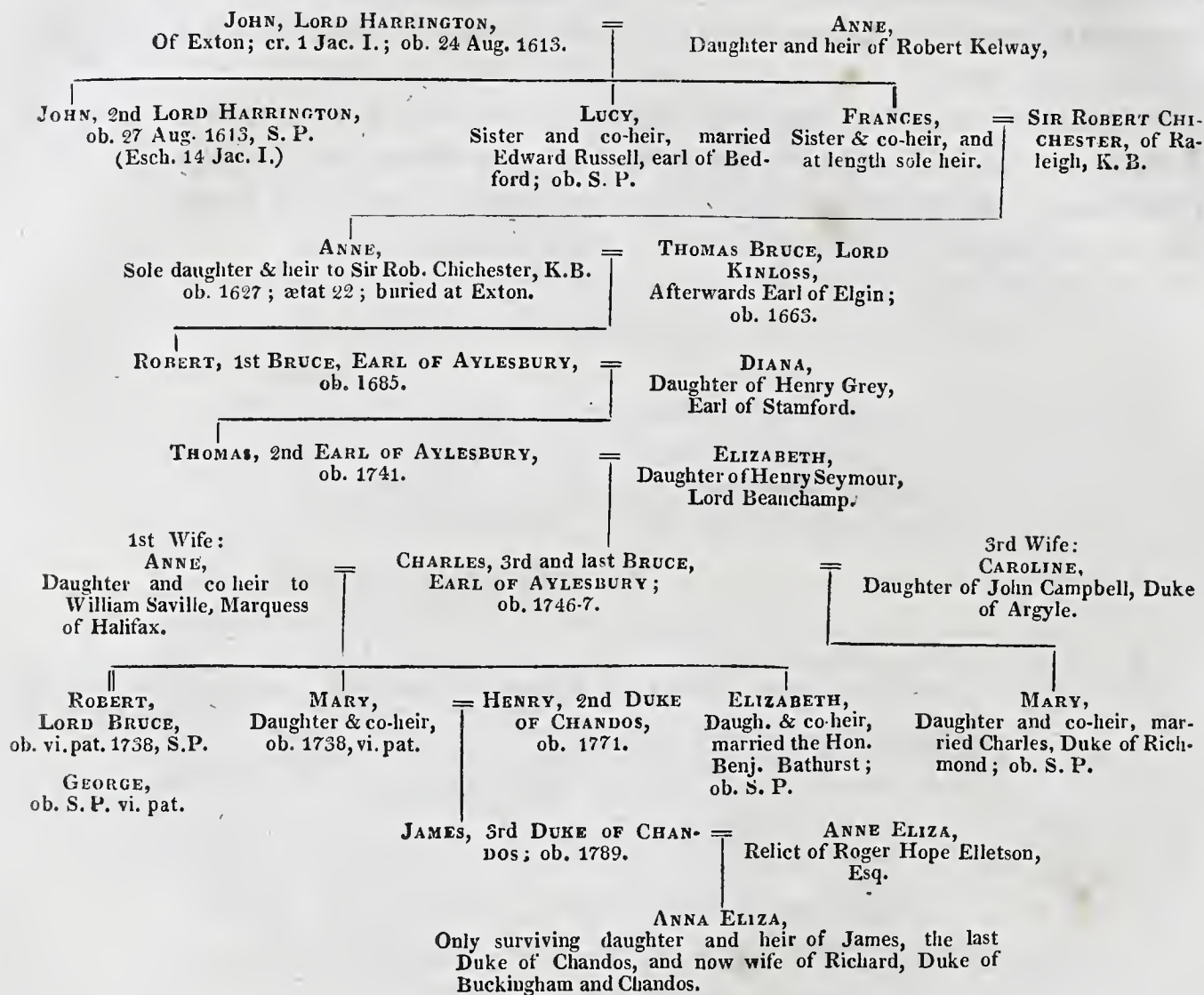
* Dug. Lists of Sum.

† Dug. Ant. Warwick. p. 778.

TABLE I.



BARONES REJECTI.

TABLE I.—*continued.*

HASTINGS. (24 EDW. I.)

Robert de Hastings is mentioned as one of those persons who, 24 Edw. I.,
 * Dug. Lists of Sum. had summons* to attend the great council to be holden at Newcastle-upon-Tyne, well furnished with horse and arms, and to consult upon the expedition then intended against the Scots.

If the name of *Hastings* be not a misnomer for that of *Hastang*, which
 † Dug. Bar. Vol. II. family is noticed by Dugdale among the barons† of the realm, it may

become a point of some uncertainty as to who was the identical Robert de Hastings, to whom the writ of 24 Edw. I. was addressed ; the more particularly so, as none of the printed genealogies of the Hastings's, barons of Abergavenny, and earls of Pembroke, or of the ancestors of the Huntingdon line, composed by Dugdale, Collins, or Edmondson,* make any mention of a Robert de Hastings, at that æra.

* Vide Collins and Edmondson's Baron. Gen.

It however is recited, that, in 12 Hen. II., upon the assessment of aid for marriage of Maud, the king's daughter,

Robert de Hastings held† ten knights' fees in Essex, and elsewhere. This person appears to be the same who married Delicia, daughter and heir of Robert de Windsor, lord of Estaines, in Essex, and had issue an only daughter named Delicia, who wedded Henry Cornhill ; whose daughter and heir, called likewise Delicia, carried the said lordship of Estaines, with other lands, in marriage to the family of Lovaine.‡ As this Robert left only female issue, and died prior to the reign of Edward I., it is evident that he was neither the person then summoned to parliament, or progenitor to the party then alluded to.

† Hearne's Lib. Nig. Scacc. Vo. I. p. 241, Essex.

‡ Vincent's Baronage, MS. in Coll. Arm.

EDMUND HASTINGS. (26 EDW. I.)

This person was a younger son of Henry, lord Hastings, by Joane§ his wife, daughter and co-heir to William, lord Cantilupe, of Bergavenny. He was one of those eminent men who, in the parliament at Lincoln, 29 Edw. I., subscribed that memorable letter to the Pope, asserting the king's supremacy over the realm of Scotland, on which occasion he is denominated || *Edmundus de Hastings, Dominus de Enchimchelmok*, (probably the name of some lordship in Wales). Moreover, in 5 Edw. II., he was constituted ¶ Governor of the town of Berwick. In 26 Edw. I. he had summons, as *a baron*, to attend with horse and arms at Carlisle ; and further, he had summons to parliament, among the barons of the realm, from the 28th to the 35 Edw. I., inclusive ;** and also in the 6 & 7 Edw. II. : †† when he died, the name of his wife, or whether he had issue, is unnoticed : but from the silence of Dugdale, Collins, and Edmondson, it may be pre-

§ Vide Dug. Baron. Vo. I. p. 575.

|| Dug. Lists of Sum.

¶ Rot. Pat. 5 Edw. II. m. 6.

** Dug. Lis. of Sum.

†† Ibid.

sumed that he died issueless. Francis Thynne says, that he married Isabel ———, and had great possessions in Wales.

HAVERING. (27 EDW. I.)

* Rot. Cha.
56 Hen. III.
n. 6.

† Rot. Pat.
56 Hen. III.
m. 51.

‡ Ibid.
28 Edw. I.
m. 21.

§ Ibid.
30 Edw. I.
m. 10.

|| Dug. Lists
of Sum.

¶ Ibid.

** Ibid.

†† Esch.
9 Edw. III.
n. 20.

John de Havering, in the time of Henry III.,* held the manor of Grafton, in the county of Northampton; and in the same year had licence granted† to him, to hunt over his lands in the counties of Southampton and Wilts., 28 Edw. I. He was constituted justice of Wales,‡ with a great latitude of power, and by that description had summons to parliament the same year; and in the 30th of the same reign had a grant§ of a place called Littleferme and Kingesheth, with four hundred and twenty-one acres of the waste in Savernake Forest, Wiltshire, to hold by the annual payment of 7*l.* 0*s.* 4*d.*

In the 27 Edw. I. he is named|| among the earls and barons who were then summoned by writ, dated the 6th of February, to attend a parliament at that time to be holden at London. Also by another writ, bearing date the 10th of April, in the same year, he had the like summons to attend a parliament appointed to meet at Westminster. Moreover, he was one of those barons,¶ or great men, who, in the parliament holden at Lincoln, 29 Edw. I., then subscribed his name, and affixed his seal** to that memorable letter which was sent to the Pope, asserting the king's supremacy over the realm of Scotland; on which occasion he is denominated "*Joannes de Haveringes, Dominus de Grafton.*"

In 29 Edw. I. he had licence to enfeof certain lands at Grafton, for a chaplain, to serve in the chapel of St. Mary, at Est Grafton. When he died does not appear; but, 9 Edw. III., Margaret, widow of John de Havering, held lands at Lachyndon, in Essex, and at Stokewell, in the village of Offley, in Hertfordshire.††

After him, one Richard de Havering, son and heir of Nicholas de Havering, and Margaret his wife, daughter and co-heir of Henry Grapenell,⁽³¹⁾

(³¹) This Henry Grapenell had issue four daughters, his co-heiresses; whereof Petronilla

was seised of the said manor of Grafton; and, 21 Edw. III.,* had a charter for free-warren there, and at Walton, in Wiltshire; Stopperley, in Bedfordshire; and Chalkewell and Berdfield, in Essex. This Richard left a daughter and heir, Elizabeth, who married John Plecy, senior, of Shapwick, in the county of Dorset.†

* Rot. Cha.
21 Edw. III.
n. 8.

† Hutchins'
Dorset,
Vo. II. p. 70.

HERLE. (3 Edw. III.)

Arms: G. a Fess, between 3 Shovelers, Arg.

This name is most certainly of considerable antiquity, although not of early baronial rank. It probably was assumed from the manor of Herle, in Northumberland, where, according to an ancient record,‡

‡ Testa de
Nevil,
V. II. p. 723.
§ Ibid.

Hugh de Herle held a moiety of the township of Herle, by the service of half a knight's fee of ancient enfeoffment, and where also, §

John de Herle held the fourth part of the same township, by the service of a fourth part of a knight's fee, de veteri feoffamento; both which services were holden|| of the barony of Gilbert de Humframville, who held the same of the king in capite. From this stem descended

|| Ibid.

William Herle, who married Catherine, daughter¶ of Humphrey Beauchamp, and had issue a son William, which

¶ Burton's
Leicester,
p. 138.

William Herle became a person of great eminence. In 10 Edw. II. he was** one of the king's sergeants at law; and in the 21st of the same reign, made†† one of the justices of the Common Pleas.‡‡ Moreover, in 1 Edw. III., he was advanced§§ to the degree and dignity of chief-justice of the same court.

** Chronic.
Jurid.

†† Ibid.

‡‡ Dug. Lists
of Sum.
ejusd. Ann.

§§ Rot. Pat.
1 Edw. III.
m. 37.

||| Dug.
Lists Sum.

In 3 Edw. III. he had summons to attend a great council or parliament, then called upon to assemble and meet at Windsor; on which occasion, his name is included among those of the earls and barons. |||| In 9 Edw. III.

married John Fitz-John; Margery married William Inge; Johanna married Adam Fitz-John; and Margaret was wife of Nicholas Havering.—Vide Originalia, 8 Edw. III., Rot. 19. Norf.

* Chronica.
Jurid.

† Rot. Pat.
9 Edw. III.
m. 30. p. 2.

‡ Dug. Lists
of Sum.

§ Rot. Cha.
6 Edw. III.
n. 22.

|| Esch.
21 Edw. III.
n. 30.

¶ Ibid.

** Ibid.

†† Burton's
Leicester,
p. 138.

‡‡ Esch.
13 Edw. III.
n. 51. Sec.
Nos.

§§ Rot. Pat.
26 Edw. III.
m. 33. Ibid.
34 Edw. III.
m. 12. p. 3.

||| Ibid.
35 Edw. III.
m. 32.

¶¶ Esch.
38 Edw. III.
n. 23.

*† Burton's
Leicester,
p. 137, et
alibi.

†† Nichols.
and Burn's
History of
Cumb. and
Westm.
Vo. II. p. 11.

‡§ Ibid.

§|| Cha. Rot.
35 Hen. III.
m. 4.

he was allowed to resign* his seat upon the bench, but was retained as one of the king's council, with the privilege† of being summoned to parliament along with the king's justices.‡

This William seems to have been possessed of the lands of his ancestors in the county of Northumberland, where, in 6 Edw. III.,§ he obtained a license for free-warren, in his demesnes of Kerkekerle, Edereston, and Slaneby. He died about 21 Edw. III.,|| being then seised of half of the barony of Bolebec, in Northumberland, holding by the service 33s., payable annually,¶ at the Exchequer, in Newcastle-upon-Tyne; together with divers lands there, and in the counties** of Warwick and Leicester.

He married Margaret, daughter†† of sir Philip Courtney, and had issue a son Robert, and a daughter Margaret, hereafter mentioned.

Robert Herle, son and heir‡‡ of William, was in great favour in the time of Edward III., in which reign he obtained several grants;§§ and in the 35th of that king, was constable of Dover Castle, warden of the Cinque Ports, and was constituted admiral of the Fleet, eastward, northward, and to the west||| of the Thames. He died about 38 Edw. III.,¶¶ when, having no issue, his great estates in the county of Leicester, &c., passed,*† as Burton affirms, to Margaret, his sister and heir, who married sir Ralph Hastings, knight, ancestor to the line of Hastings, earl of Huntingdon.

HUDLESTON, or HODELESTON. (24 Edw. I.)

This family, according to some authorities,†† is of five descents, prior to the Norman conquest: but without indulging in such a questionable deduction, it may be equally satisfactory to state, that

John de Hudleston, of an ancient Yorkshire family, was lord of Anneys, within the seignory of Millum, in the county of Cumberland, and married Joane, daughter and heir of Adam de Boyvil, lord of Millum aforesaid,‡§ whose ancestor, Godart de Boyvil, was enfeoffed thereof at an early period by William de Meschines, lord of Coupland.

This John de Hudleston, 35 Hen. III.,§|| obtained a charter for a

market and fair at his lordship of Millum. He had issue, John, and probably Adam* de Hudleston.

John de Hudleston, who succeeded his father, was a person of note, and, 24 Edw. I., was summoned† to attend a great council then directed to assemble at Newcastle-upon-Tyne. The like summons‡ he also had in 26 Edw. I., to attend a great council at Carlisle; on which occasion his name is entered with those who are in the Clause Roll § *denominated barons*. Furthermore, in the 29th of the same reign,|| he was one of those who, in the parliament at Lincoln, subscribed his name, and affixed his seal, to the memorable letter, which at that time was sent to the Pope, asserting the king's supremacy over the realm of Scotland; on which occasion he is written *Baron de Aneys*.

In 30 Edw. I. he had a licence¶ for free-warren in his demesnes at Millum, in Cumberland, and at Whittington and Holme, in Lancashire. When he died does not appear; but he is said** to have deceased unmarried, and to have been succeeded in the inheritance by

Richard Hudleston, who, 15 Edw. II., was found†† to be son of John de Hudleston, and cousin, or rather next of kin and heir, of Adam de Hudleston, of Bylington and Soho, in the county of Lancaster, and accordingly had livery of those estates. He married‡‡ Alice, daughter of Richard Troughton, which lady seems to have survived him; as, 11 Edw. III.,§§ she was then found to hold the manor of Millum, with divers tenements at Satherton, in the county of Cumberland.

But as the before-named John de Hudleston, baron of D'Aneys, had no issue, a further account of this family would be superfluous, were it not by reason that several of them intermarried with the female branches of some of our old nobility; and, as such, their descent has become interwoven with the genealogical history of the peerage.

The following account of the successive lords and possessors of Millum, is taken from Nicholson and Burn's History||| of the Counties of Cumberland and Westmorland:—

* Esch.

15 Edw. II.
n. 3.

† Dug. Lists
of Sum.

‡ Ibid.

§ Ibid.

|| Ibid.

¶ Cha. Rot.
30 Edw. I.
n. 48.

** History
Co. Cumb.
and Westm.
Vo. II. p. 11.

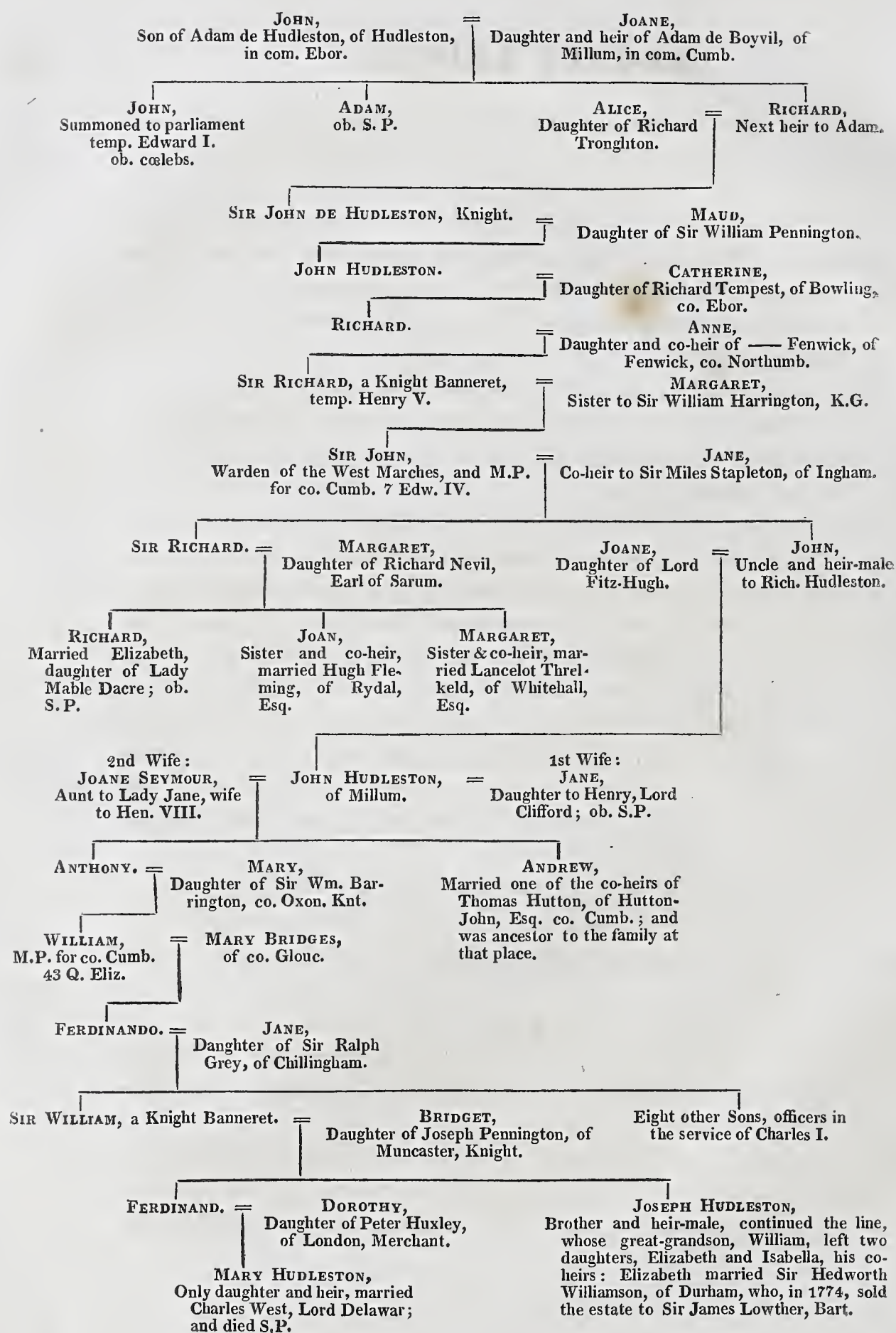
†† Original.
15 Edw. II.
Rot. 18.

‡‡ History
Co. Cumb.
and Westm.
Vo. II. p. 11.

§§ Esch.
11 Edw. III.
n. 32.

||| Vol. II.
p. 11 & 12.

BARONES REJECTI.



KEN. (24 EDW. I.)

John de Ken, 12 Hen. II., held two knights' fees of the bishop of Bath, at Ken, in the county of Somerset.* To this John succeeded

* Lib. Nig.
Scacc.
Vol. I. p. 86.

Richard de Ken, who was living 10 Ric. I.; from whom descended another Richard; which

Richard de Ken, 24 Edw. I., had summons to attend the king at New-castle-upon-Tyne, on which occasion, though the summons does not purport to be for a parliamentary attendance, yet the roll which recites this writ,† has this notice made thereon; viz. "*Respice cedula pendente de nominibus comitum et baronum qui rogati fuerunt per regem ad guerram Scotiæ.*" Whereupon it may be inferred, that the said Richard was summoned in the character, or under the reputation of a baron. In the following year he had another summons to attend at Rosse,‡ to advise, among others then summoned, with the king's son, who was appointed his father's lieutenant. But this writ most evidently was not, any more than the former, for a parliamentary purpose, though it expressly was to give advice in council. He died about 31 Edw. I., and was succeeded by his son,

† Clau. Rot.
24 Edw. I.
in Dorso.
m. 12.

‡ Ibid.
25 Edw. I.
in Dorso.
m. 8.

John de Ken, from whom, after several descents, was another John; which

John de Ken, who was living at Ken the 12 Edw. IV.,§ and then bore for his arms, "*Erm. three Crescents G.*;" which arms were borne by his successors, though sometimes with a variation of the crescents. His grandson,|| another

§ Clau. Rot.

|| Collinson's
Somerset,
Vol. III.
p. 592.

John de Ken was living at Ken in 1545. He was twice married. His first wife was Margaret, daughter of sir Christopher Baynham, of Claverwell, in the county of Gloucester, by whom he had several sons; the eldest whereof,

Christopher Ken, by Florence his wife (who survived him), had two daughters, his co-heiresses; viz. Margaret, married to William Guise, of Elmore, in Gloucestershire, esq.; and Elizabeth, married to John, lord

Poulet of Hinton St. George. The said Christopher Ken died 21 Jan. 1593, and was buried in the church of Ken, in the east wall of the chancel; where, within a recess, is an old monument with the effigies of a man in armour, with a woman kneeling; and opposite him are his two daughters, kneeling one behind the other, in the dress of the time of queen Elizabeth. On the base of the monument is a lady leaning on her left arm, and holding in one arm an infant, and in the other a book.

KENDALL. (1 EDW. III.)

* Rot. Pat.
12 Edw. I.
m. 7. n. 1.

† Ibid. and
Chro. Jurid.

‡ Cha. Rot.
20 Edw. I.
n. 32.

§ Original.
1 Edw. II.
Rot. 2.

|| Pat. Rot.
divers. ann.

¶ Rot. Pat.
14 Edw. II.
m. 22.

** Dug. Lists
of Summ.

†† Ibid.

‡‡ Gross.
Fin. 4 Edw. II.
in Cancell.

§§ Ibid.
13 Edw. II.
Rot. 12.

Hugh de Kendall, in the time of Edward I., was one of the keepers of the great seal,* which was delivered to him and Walter de Odyham, by Robert, bishop of Bath and Wells, on the feast of St. James the Apostle;† and in the 20th of the same reign,‡ he had confirmed to him, for term of life, a capital messuage at Tottenham, in the county of Middlesex. After him,

Robert de Kendall is noticed as a person of very considerable note, who, 1 Edw. II.,§ and afterwards in several years,|| was nominated warden of the Cinque Ports, and constable of Dover Castle. Moreover, 14 Edw. II., the king having taken into his hands the charter of the city of London, he was appointed¶ to the office of mayor.

In 1 Edw. III.** he was one of those great men who was summoned, among the earls and barons, to attend the king at Newcastle-upon-Tyne, with horse and arms, to march against the Scots, in which summons the writ is addressed “*Roberto de Kendall, custodi quinque portuum.*” But this summons has no indication to have been a call to parliament for the purpose of legislation, and as such, was neither a confirmation of any old baronial right, or the creation of a new honour: it was merely as the writ imports, *a summons of service*,†† which, by reason of the tenure of his lands, he was bounden to perform.

In 4 Edw. II.‡‡ he paid a fine of twenty marks for license to have entry into the manor of Wodecroft, in the county of Bedford, holden of the king *in capite*, and of the fee of John le Poer. Also, 13 Edw. II.,§§ in considera-

tion of his laudable services, and of a fine of 120*l.* he had an acquittance of the 12*l.* per annum, by the payment whereof he held the manor of Shalden, in the county of Southampton.

In 11 Edw. II.* he had a grant of free-warren in his demesne lands at Hiche, Madecroft, and elsewhere in the county of Hertford;† as also at Wodecroft and Litton, otherwise Luyton, in the county of Bedford; and 4 Edw. III., upon his death, it was found that he held‡ the manors of Hiche, Madecroft, &c., in Hertfordshire; together with Shalden, and other manors in the county of Southampton; as likewise Luyton and Flampstede, in Bedfordshire; all which, in the two first-named counties, Margaret, his relict, held, (with others in Kent and Surrey,) in 21 Edw. III.§ After him, in the same reign,

Edward de Kendall, with Elizabeth his wife, held|| all the same lands and manors in the counties before mentioned; together with a tenement in the parish of St. Nicholas, near Candlewick-strete, in Abchurch-lane, London:¶ when also Thomas de Kendall, clerk, held** certain lands at Hitchen, and elsewhere in Hertfordshire, and at Wodecroft, in the county of Bedford. Of this family,

Sir Edmund de Kendall, held†† four messuages and six acres of land, at Rokeford and Heywode, in the county of Southampton.

* Rot. Char.
11 Edw. II.
n. 11.

† Mag. Brit.
p. 981.
Herts.

‡ Esch.
4 Edw. III.
n. 26.

§ Ibid.
21 Edw. III.
n. 19.

|| Ibid.
47 Edw. III.
n. 20.

¶ Ibid.
49 Edw. III.
n. 74.

** Ib. n. 75.

†† Ibid.
45 Edw. III.
n. 35.

KINCUNBERGH. (22 Edw. I.)

Walter de Kincunbergh, 22 Edw. I., is noticed as one of those great men who then had summons‡‡ to attend the king, wheresoever he should be, to consult in parliament upon the weighty affairs of the realm; but after this period no further mention is made of his name, which indeed there is reason to believe to have been a typical error in Dugdale's Lists of Summons, (as in the original Clause Roll §§ there is no such insertion,) and to have been put for *Walter de Fauconberg*, who was an ancient baron of the realm, and whose barony for a long time continued in his name, till by an heir female it was conveyed to another family. |||

‡‡ Dug. List
of Summ.

§§ 22 Ed. I.
In Dorso.
m. 8.

||| Dorm. et
Ext. Baron.
Vol. II.

The mention of this name of *Kincunbergh* is merely for a correction of *Dugdale*.

KIRKBY. (22 EDW. I.)

Arms: Arg. a Cross, vert. between two Annulets, vert.

* Pat Claus.
57 Hen. III.
Pat. Rot.
7 Edw. I.
m. 15.

† Esch.
7 Edw. I.
n. 19.

‡ Original.
7 Edw. I.
Rot. 16.
Leic.

§ Ibid.
17 Edw. I.
Rot.

|| Esch.
18 Edw. I.
n. 37.

¶ Dug. Lists
of Summ.

** Esch.
30 Edw. I.
n. 31.

†† Ibid.
31 Edw. I.
n. 118.

‡‡ Original.
30 Edw. I.
Rot. 15.

John de Kirkby, a person of considerable eminence in the reigns of Henry III. and Edward I., was, on several occasions,* appointed keeper of the Great Seal. He was the son of Avicia de Gorham, (^{3k}) who died the 7 Edw. I.,† seised of the manor of Medburn; as also of other lands at Drayton and Prestgrave, in Leicestershire, and at Cotene, in the county of Northampton: of which he had livery‡ the same year. This John was canon of Wells and York, lord treasurer and bishop of Ely, and died 17 Edw. I.,§ being then seised of the aforesaid manor of Medbourn; also of that of Holt and Kirkby, in the county of Leicester, with divers|| others in the counties of Middlesex, Hertford, Cambridge, Northampton, Bedford, Huntingdon, and elsewhere.

William de Kirkby, cotemporary with John, if not his brother, was one of those great men who, 22 Edw. I., had summons¶ to attend a parliament then appointed to be called together; but of which no place is mentioned for its assembling, in the writ of convocation, which is dated at Westminster, the 8th of July, in the year aforesaid.

This William deceased 30 Edw. I.,** being then seised of the manors of Medburne, Holt, Kirkby, and others in the counties before mentioned, whereof, John bishop of Ely, had been possessed, leaving Christian his wife surviving,†† and his four sisters, his co-heirs; between whom, his great inheritance was divided;‡‡ viz. Margaret, wife of Walter Doseville,

(^{3k}) She probably was the daughter and heir of sir Hugh de Gorham, who, 24 Edw. I., was one of those great men who had summons to attend a great council at Newcastle-upon-Tyne, well furnished with horse and arms.

(called Boseville by Burton*); Alice, of Peter Prylly; Maud, of Walter de Houby; (³¹) and Mabel, of William Grymbaud. (^{3m})

* Burton's Leicester, p. 171.

KYNGESTON. (29 EDW. I.)

In the 29 Edw. I. this name has place among those who, in the parliament at Lincoln,† subscribed that letter sent by the nobility of England to the Pope, touching the king's supremacy over the realm of Scotland; on this occasion he is designated "Joh̄s, Dñs de Kyngeston."

† In Domo. Capitulari Westm.

He is not, in any other record, noticed as a baron, though the name has mention as a *bannerett* in the Wardrobe account of 28 Edw. I.,‡ where *Dominus Johannes de Kyngeston* has an allowance for robes. In 27 Edw. I. (if he be the same person), he had a grant of free-warren for his lands at Sutton Magna, Sutton Parva, and Tytecumb, in Wiltshire.§ In 33 Edw. I. he was appointed, with the bishop of St. Andrew, John de Sandale (chamberlain of Scotland), and another, one of the four custodes of that kingdom. But though he was a person of much consideration in his day, yet, as there is no ground for attributing to him an inheritable baronial dignity, any further account of him, or his family, is not material.

‡ Lib. Quot. Controrot. Garderobæ Reg. p. 311.

§ Char. Rot. 27 Edw. I. n. 24.

LAWRENCE. (35 EDW. III.)

Edmund Laurence, 35 Edw. III., was one of those who, by a precept or summons|| directed to the sheriff of the counties of Nottingham and Derby, commanding him to convene the heirs of Camvill, holding lands in Ireland, was enjoined to give his attendance at a great council then to be holden at Westminster, to deliberate on the state of affairs of that kingdom: but otherwise no mention is made of him.

|| Dug. Lists of Summ.

(³¹) Of this name, a Gilbert de Houby had summons to the great council before mentioned, at Newcastle-upon-Tyne.

(^{3m}) This William, is the same William Grimbauld who had summons to the before-noticed great council at Newcastle-upon-Tyne.—Vide Dugdale's Lists of Summons.

This summons most certainly was not a creation of any English parliamentary honour, and the name of Laurence is not noticed in the Patent Rolls as holding any high official character, nor as connected with any baronial family.

LONDON. (24 EDW. I.)

This name occurs so early as 12 Hen. II., when, upon the assessment of aid for the marriage of Maud, the king's daughter, William de London returned the following certificate; * *viz.*

* Hearne's
Lib. Nig.
Scacc.
Vo. I. p. 113.

“ Karissimo domino suo H. Dei gratia regi Anglorum, Willielmus de London, salutem. Sciatis, quod nullum militem habeo fefatum nec de veteri feoffamento nec de novo, sed debeo defendere feodum meum per servicium corporis mei.” The name of

† Ib. p. 162.

William de London is also mentioned in the certificate† of the barony of the earl of Gloucester, as holding of him four knights' fees (^{3ⁿ}) in the county of Gloucester.

‡ Vide Ken.

Robert de London, 24 Edw. I., had summons in the character of a baron, to attend the king, with horse and arms, at Newcastle-upon-Tyne;‡ but afterwards there is no mention of his name in the same capacity.

§ Pat. Rot.
51 Hen. III.
m. 11.

¶ p. 257,
Kempsford.

In the Patent Rolls, § the name of Hawyse de London is noticed as heir of Mabel de Cantilupe; and Atkyns, in his History of Gloucestershire, states, || that Patrick de Chaworth married Hawyse, daughter and heir of Thomas de London, lord of Agmore and Kidwelly, in Wales.

(^{3ⁿ}) By a note in the Liber Niger Scaccarii, under the name of London, in this certificate, it is thus explained: *viz.* “ Londonia, vel London, sive Londres; London, autem *idem* signat Langden, Langton, Longtown, sive Longdum oppidum.”

MALBERTHORPE. (3 EDW. III.)

This name is derived from a place so called in Lincolnshire; for, in the 6 Edw. II.,*

* Original.
Gross. Fin.
6 Edw. II.
Rot. 15.
Leic.

William, the son of Robert de Malberthorpe, had a license (in consideration of a fine of five marks) to grant certain tenements in Malberthorpe to William, the chaplain, keeper of the altar of St. Laurence, in the church of Malberthorpe, to pray for his soul, and those of his ancestors and successors.† After this, one

† Ibid.

Robert de Malberthorpe, an eminent lawyer, was made‡ one of the justices of the King's Bench, and afterwards, in 4 Edw. III., chief-justice, in the room of Geoffrey le Scroope, then going upon a mission abroad.§ In this capacity of one of the king's justices he had summons to parliament from the 14 Edw. II. || to the 2 Edw. III., both inclusive; but in the year following, viz. 3 Edw. III., his name is included¶ among those of the barons. He died about 5 Edw. III.**

‡ Chr. Jurid.
anno 1320.

§ Ibid.
anno 1330.

|| Dug. Lists
of Summ.

¶ Ibid.

** Original.
5 Edw. III.
Rot. 43.

Elizabeth, daughter and heir of Robert de Malberthorpe, of Malberthorpe, in the county of Lincoln, married sir Thomas Fitz-William, who was living the 18 Edw. III., and was ancestor to the families of Fitz-William, of Plomtree and Mablethorpe, which, according to Lodge,†† terminated in the reign of queen Elizabeth, in William Fitz-William, esq. sheriff of Lincolnshire, 22 Elizabeth, who, by Elizabeth, daughter to sir Robert Tyrwhit, of Kettleby, in that county, had only female issue; viz. three daughters—Elizabeth, Dorothy, and Mary: one of whom carried Mablethorpe to her husband, Roger Halton, esq. son and heir of Robert Halton, sergeant-at-law.

†† Lodge's
Irish Peer.
Vo. II. p. 48.

MALURE. (35 EDW. III.)

This name has been variously written, as *Malure* or *Maleverer*, *Malore* or

Mallory; and though not of baronial rank, yet nevertheless has at times made a very conspicuous figure, and produced several eminent persons.

* Chr. Jurid.
anno 1293.

Peter *de Malore* was one* of the justices* of the Common Pleas, the 21 Edw. I., and in that quality had summons to parliament from 23 Edw. I. to the 2 Edw. II., both inclusive. But his name is differently written at various times in the summons; † viz. Mallore, Maloure, &c. After him, another

† Dug. Lists
of Summ.

‡ Ibid.

Peter *de Malure* is noticed, who, 35 Edw. III., was one of those who, holding lands in Ireland, had summons to attend a great council then ‡ convened to meet at Westminster, to deliberate upon the affairs of that kingdom. But with regard to the descent of these persons, or their connection with each other, there is no proof to establish the same.

§ Esch.
3 Edw. I.
n. 12.

Of the name of Malore, or Malory, § was Nicholas, the son of sir Anketil (or Anketon) Malory, who had lands at Northdalton, Multhorp, Wigenthorp, Tiverington, Huntington, and Clifford, in the county of York; at the four first of which places, Sarra, who was the daughter of Anchetil Malory, was seised of lands the 16 Edw. I., || which Sarra had a son Henry, who the same year made proof ¶ of his age.

|| Ibid.
16 Edw. I.
n. 13.

¶ Ib. n. 75.

** Rot. Parl.
Vol. I.
p. 337-8.

Of this name there was a Peter Mallore, who married Maud, widow of Elias Rabayne, and one of the daughters and co-heirs of Stephen de Bayeaux,** who was grandson of Ranulph de Bayeaux, by Margaret his wife, daughter and co-heir of Alan de Lincoln, a great baron in Lincolnshire.

MANNERS sive DE MANERIIS. (3 EDW. II.)

†† Hearne's
Lib. Nig.
V. I. p. 248.

In 12 Hen. II., at the time of the assessment of aid, for the marriage of Maud, the king's daughter, it was certified †† by the bishop of Ely, that Eustace de Maneriis held two knights' fees of that bishoprick, in the county of Cambridge, which Eustace was progenitor to

‡‡ Cha. Rot.
19 Edw. I.
n. 37.

Baldwin de Manneriis, who, 19 Edw. I., ‡‡ obtained a charter for free-warren in his demesne lands at Enhale and Fullborne, in the county of Cambridge, and at Kerbroche and Hengham, in Norfolk.

In 22 Edw. I., holding by knight's service, he had summons to attend the king at Portsmouth, with horse and arms, to accompany him into Gascony; and 25 Edw. I., had the like command to attend the king beyond the seas; and, 28 Edw. I., a similar summons, (³⁰) to be at Carlisle to march against the Scots. But these summonses were not any call to parliament, and, as such, no proof of a baronial rank: but a record* nevertheless shows, that Baldwin de Maneriis, 3 Edw. II., had summons (^{3p}) to a parliament, to be then holden at York; in which writ his name is inserted among those of the earls and barons of the realm; *viz. cum cæteris proceribus et magnatibus, &c.*

* Clau. Rot.
3 Edw. II.
in Dorso.
m. 17.

But it is not a little singular that the meeting of this intended parliament was changed from York to Westminster, when, in the subsequent writ of summons, the name of Baldwin de Maneriis is omitted.†

† Ibid.
in Dorso.
m. 16.

With regard to the origin, or regular descent of this family, or whether it was in any way related to that of the house of Rutland, nothing is certain. The History of the County of Norfolk states,‡ that Robert, lord Morley, of Hingham, was heir to Baldwin de Maneriis, but by what means is silent. In another place, the same history recites,§ that, in the time of king Richard I., a—

‡ Hist. Co.
Norf.
V. IV. p. 97.
Forehoe.

§ Ibid.
Vol. IX.
p. 25.
Wayland.

William Manners held Woodhall, in that county, of William de Munchensi, by the service of one knight's fee; which lands were afterwards holden by Walter de Manners, then by William de Manners, who was of age in 1256 (41 Hen. III.), and lastly, by Baldwin de Manners, anno 1290 (18 Edw. I.), who sold Woodhall, together with Fullborne, in Cambridgeshire, to Robert Butetourt.

(³⁰) Collins, in his Peerage, recites these several summonses upon the authority of Rymer's *Fœdera*, and a MS., in the library of Mr. Anstis. It however is to be observed, that the name, neither of Baldwin de Maneriis, nor of any other de Maneriis, or Manners, is noticed in Dugdale's Lists of Summons, for the years above mentioned.

(^{3p}) While Collins has quoted the writs of summons before observed, it is worthy of remark, that he has passed over this most material writ of convocation to parliament.

MAREYS. (35 Edw. III.)

Stephen de Mareys, 35 Edw. III., was one of those who, having lands in Ireland, was summoned,* with the heirs of Camville, by writ addressed to the sheriff of Nottingham and Derby, to attend a great council, then appointed to be holden at Westminster, to take into consideration the affairs of that kingdom.

This Stephen was a person of considerable eminence, both in England and Ireland, and possessed a large inheritance in the two kingdoms, but especially in the latter; where, to augment his territory, 16 Edw. III.,† he made an exchange of his lands in Somersetshire with the prior of Bath, for his lands in Ireland. He died without issue 47 Edw. III., leaving the earl of Ormond his heir, as hereafter noticed. Of this name (said to be assumed from the Marshes of the isle of Ely,) (³¹) was

Stephen de Marisco (Mareys, or Marsh), who, 12 Hen. II., upon the assessment of aid for the marriage of Maud, the king's daughter, was certified‡ by the bishop of Ely to hold of him half a knight's fee.

Geffery de Marisco, in the time of king John§ and Henry III.,|| was several times appointed to the office of justice of Ireland, in which kingdom he possessed very considerable estates.

Richard de Marisco, was cotemporary with Geffery. He was, first, archdeacon of Richmond,¶ and afterwards, chancellor of the kingdom.** He was also bishop of Durham,†† anno 1213 (3 Hen. III.), and continued in that see many years. He was considered one of king John's evil counsellors.‡‡

William de Marisco was also cotemporary with Richard, and 18th of John, had a patent §§ for the manor of Brampton, in the county of Devon; and

†† Matt. Par. p. 255. l. 63.

‡‡ Ibid. p. 194. l. 30.

§§ Rot. Pat. 18 Joh.

m. 12. n. 117.

(³¹) In Debrett's Peerage, and Playfair's Irish Baronetage, is a very laboured account, under the title of Mountmorres; in which it is endeavoured to be shown, that this family is derived from the illustrious house of Montmorency, in France, and that it is now represented in the male line by the present possessor of the Mountmorres' Irish Peerage.

also by the name of *William, the son of Jordan de Marisco*, had a grant* of the isle of Lunday. (^{3r}) But Matthew Paris calls him,† the son of *Geffery de Marisco*, and represents him to have contrived the assassination of Henry III., anno 1238; in which attempt, his agents having failed, he became proscribed, and was afterwards guilty of great depredations and piracies at the island of Lundy,‡ where he collected together a great band of exiles and robbers. He was however, at length, made prisoner, with divers of his accomplices, and underwent an ignominious death,§ anno 1242. (26 Hen. III.)

* Rot. Pat.
18 Hen. III.
m. 8. n. 3.

† Matt. Par.
p. 401. l. 41.

‡ Ibid.
p. 517. l. 63.

§ Ib. p. 518.
l. 40. et seq.

After his death another William de Marisco (his son very likely), had a grant|| of the before-mentioned island of Lundy, and died seised thereof, with divers lands in the kingdom of Ireland, and in the county of Somerset, about the 12 Edw. I.;¶ in which year,

|| Char. Pat.
9 Edw. I.
n. 21.

¶ Esch.
12 Edw. I.
n. 23.

John de Marisco, son and heir of the said William, had livery** of his inheritance. This John had issue Herbert, *father* of Stephen de Marisco, before mentioned, as Vincent asserts;†† but, according to the record, *brother* of the said Stephen de Mareys; viz.

** Original.
12 Edw. I.
Rot. 10.

†† MS.
Vocat. Vincent Quid
Non in Coll.
Arm.

Esch. 22 Ric. II.

“ Inquisitio in com. Som. 18 die Martii, anno 22 Richardi 2^d. post mortem Johannis Friset, chevalier, &c. Jurat’ dicunt q^d quidem Thomas Salampton; cler. et alii seisit, de maner’ de Hempsill-Mareis dederunt maner’ predict’ Stephano de Mareis, milit’ et Letic’ uxori ejus, habend’ eis ad vitam, remanere Johanni Friset, chevalier & hæred’ mascul’ de corpore suo, remanere rectis hæred’ ipsius Stephani: & Johannis Friset obiit sine hæred’ masculis de corpore suo, et quod Jacobus de Boteler, nunc comes de Ormond, est consanguineus Stephani, et rectus hæres ejus propinquior; viz. filius Jacobi, fil. Jacobi, fil. Edmundi, filius Theobald, filius Theobald, filius Theobald, filius Joan sororis Johannis Mareis, patris Hereberti, fratris

(^{3r}) Collinson, in his History of the County of Somerset, recites the following inscription, in St. Peter’s Church, at Bath; viz. “ Hic jacet Alexander de Alneto, et Erneburga uxor ejus, et Gulius filius eorum et Lucia de Marisci filia eorum; et Jordanus de Mariscis filius ejusdem-Lucie. Et Willielmus de Mariscis filius ejusdem Jordani.”

prædicti Stephen, de integro sanguine, et quod dictus Jacobus, nunc comes de Ormonds, et ætatis 39° et amplius, &c.”

MOHAUT, or MONTE-ALTO. (1 Edw. III.)

* Dug. Lists
of Summ.
p. 140.

Henry de Monte-Alto, is noticed in 1 Edw. III. as one of those persons who had summons* then to attend, *equis et armis*, at Newcastle-upon-Tyne, which was a summons of service, for an expedition into Scotland, but not a summons to parliament, *ad deliberandum*, &c.

Excepting at this crisis, the name of Henry de Monte-Alto, does not occur upon any public occasion, nor is it mentioned who he was, or from what line of the baronial house of Montalt, or Monte-Alto, he was descended.

† Vol. I.
p. 657.

In Dugdale's Monasticon†, the name of Simon de Mohaut occurs as a benefactor to the priory of Pomfret. This Simon, by Matilda his wife, had issue Simon, Robert, and Henry.

SIMON MORTIMER. (24 Edw. I.)

‡ Dug. Lists
of Summ.
p. 14.

In Dugdale's Lists of Summons to Parliament, the name of Simon de Mortimer is inserted‡ as one of those who had summons among the barons of the realm, to attend a parliament at St. Edmundsbury, upon the morrow of All-Souls, 24 Edw. I.; but of this Simon, the said celebrated author makes no mention in his account of the Mortimer family. From the cotemporaneousness of date, it may be presumed

§ Dug. Bar.
Vol. I.
p. 142-3.

Simon de Mortimer was a younger son of Roger, lord Mortimer, of Wigmore, by Maud his wife,§ daughter of William de Broase, of Brecknock.

Of this name also was Roger Mortimer, who, 29 Edw. I., was one of those barons who, in the parliament at Lincoln, subscribed the celebrated letter to the Pope, touching the king's supremacy over the realm of Scotland; on which occasion he is designated “Rogūs de Mortuomari, Dñs de

Pentkellyn." But by this description there is no mention of him in Dugdale's Baronage.

Cotemporary with Simon was sir Waleran Mortimer, who, 24 Edw. I., was one of those who had summons* to attend at Newcastle-upon-Tyne, furnished with horse and arms, to march against the Scots; but on this occasion, though denominated *Dominus Walranus de Mortuomari*, he had not summons as a baron to *the council* then convened. This Waleran had issue a son,†

Ralph Mortimer, who deceased about 18 Edw. II.,‡ being seised of the fourth part of a knight's fee in Exton, holden of the crown, as of the honour of Huntingdon, and of certain lands and tenements in Wylesthorp, holden of Thomas, lord Wake, of Lydell, by military service,—Ralph, his son and heir being then§ thirteen years of age.

* Dug. Lists of Summ.

† Original. 18 Edw. II. Rot. 16. Sumers.

‡ Ibid.

§ Ibid. 19 Edw. II. Rot. 3.

MORTEYN. (24 EDW. I.)

John de Morteyn, 24 Edw. I., was one of those who, in the character of a baron, had summons|| to attend the king at Newcastle-upon-Tyne; but on no other occasion is noticed in the same capacity.

The family of Morteyn was of great consideration, in point of landed estate, from a period of very early antiquity, and intermarried with the heiresses of several eminent baronial houses.

A William Mortein, married Joane eldest daughter, and co-heir of Philip, lord Marmyun, of Scrivelsby, in Lincolnshire; which lady died without issue 23 Edw. I.¶

Roger Mortyne married a daughter of sir William Rufus, knight, by Isabel his wife, the youngest daughter and co-heiress of Gilbert Archer, called, by Collins,** baron of Grove, near Retford, in the county of Nottingham, in the time of king John; by whom, the said Roger had issue William Mortyne or Morteayne, considered to be the same, who married Joane Marmyun.

But the Morteynes, nevertheless, were not esteemed (although they possessed some baronial lands,) parliamentary barons of the realm.

|| Clau. Rot. 24 Edw. I. In Dorso. m. 12.

¶ Dorm. & Ext. Bar. Vol. I.

** Collins's Parl. Prec. p. 385.

MORVILLE. (13 EDW. II.)

* Dug. Bar. Vol. I. The name of this family is included by Dugdale* in his Baronage; but that author has not mentioned any thing therein of

† Dug. Lists of Summ. Nicholas de Morville, who, 13 Edw. II.,† had summons among the barons of the realm to attend a parliament, convened to meet at York, in eight days of St. Hilary next ensuing the date of the writ, which was tested at York on the 6th day of November, in the year aforesaid; as also in the following year; viz. the 14 Edw. II.‡ had the like summons to attend a parliament, to be holden at Westminster, in eight days of St. Michael, next ensuing the date of the writ, which was the 5th of August.

MUNCY. (26 EDW. I.)

§ Char. Rot. 28 Edw. I. n. 33. Walter de Muncy, 28 Edw. I.,§ had a charter for free-warren in his demesne lands at Thornton, juxta Skipton, Everby, and Kelebroke, in the county of York. From the frequency of his name in the writs of summons of his time, he must have been a person of great eminence. In 29 Edw. I.¶ he was one of those great men who, in the parliament at Lincoln, subscribed that memorable letter which was addressed to the Pope, asserting the king's supremacy over the realm of Scotland; on which occasion he was denominated "*Dominus de Thornton.*"

¶ Ibid. Moreover, he had summons to parliament from the 26th to 35 Edw. I., both inclusive;¶ which, if a writ of summons be creative of a personal and descendable honour, may, by the repetition of the writ upon so many occasions, be considered to have rendered this person a peer of the realm, with a right of succession to the barony, vested in his posterity.

** Original. 1 Edw. II. Rot. 11. Notts. In 1 Edw. II. the name of Walter de Muncy occurs, as having then** the castle of Framlyngham committed to his custody. Shortly after, when he died, as the king's escheator,†† in 2 Edw. II., had command to take into his hands the lands whereof Walter de Muncy had died seised.

This Walter was at the famous siege of Carlevyrock, in the time of Edward I., where he is mentioned in the roll of those who were then marshalled, as having his banner chequered, Gules and Argent. His heir was probably a female, married to Goushall, who had two daughters, who were his co-heirs; whereof Margaret married, first, — Despenser, and had a son, Philip Despenser; * and secondly, John de Roos, a younger son of William, lord Roos, or Ros, of Hamlake, who died without issue by her, 12 Edw. III.,† leaving her, the said Margaret, surviving, who deceased about 22 Edw. III.‡ Isabel, sister of Margaret, appears afterwards to have been found her heir, and wife of Durand Bard.” §

Of this name was John, son of Ingelram de Monceaux, of Barmston, in the county of York, whose heir-general Margaret, married Brian, at See; whose co-heirs-general married Boynton, and Hyldyard, of Yorkshire.

* Esch.
22 Edw. III.
n. 78. sec.
nos.

† Ibid.
12 Edw. III.
n. 41.

‡ Ibid.
22 Edw. III.
n. 72. sec.
nos.

§ Original.
39 Edw. III.
Rot. 7.

NODARIIS. (24 Edw. I.)

Robert de Nodariis, or Nowers, at the time of the general survey, || held || Domesd. Gothurst, or Gahurst, in the county of Bucks; which manor,

Almarick de Nodariis is certified to hold¶ by the service of one knight's fee of William de Say, in the time of Henry III., being (as it may be presumed) the same knight's fee, which Walter Giffard, earl of Buckingham, 12 Hen. II., then certified** that Hugh de Nuers held of him in that county.

¶ Ib. Fæd.
Vo. I. p. 157.

** Hearne's
Lib. Nig.
Scacc.
Vo. I. p. 189.

This Almarick †† married Sibyl, daughter of Ralph Picot, and had issue

†† Ex. MS.
Browne,
Willis, Arm.

William de Nodariis, who, by Isabel, daughter and co-heir to Peter Goldington, obtained in marriage the manor of Stoke Goldington, which thenceforth descended to his posterity.

Almarick de Nodariis succeeded his father, and, 24 Edw. I., was one of those eminent persons who had summons †† to attend the great council then ordained to assemble at Newcastle-upon-Tyne. In the year following, his name is mentioned as *one of the knights of the shire* for the county of Bucks, §§ being then written *Amary de Nowers*. He died 2 Edw. II., ||| at

†† Dugd.
Lists Sum.

§§ Willis's
Notitia Parl.

||| Esch.
2 Edw. II.
n. 70.

which time he was seised of the manors of Gothurst, Weston, and Stoke Goldington, in Buckinghamshire, and of Cestre Parva, in the county of Northampton. Joan his wife, survived him, who died shortly after, 4 Edw. II.,* being then seised of the manor of Lathebury, and of a third part of the manor of Kainho, in the county of Bucks.

* Esch.
4 Edw. II.
n. 16.

John de Nodariis, or Nowers, upon his father's death, had livery of his inheritance.† He married Grace, daughter‡ and heir of Robert Fitz-Neale, or Nigel, (^{3s}) lord of Salden, in the county of Bedford; and died about 1 Edw. III.,§ at which time he was possessed of the same manors in the counties of Bucks and Northampton, as his father had holden. Grace, his wife, survived him, who died 23 Edw. III.,|| being then seised of Salden and Luyton, in Bedfordshire, and of Gothurst, Stoke, &c. They had issue several sons; ¶ viz. John, Robert, Almarick, and William: of these,

† Original.
2 Edw. II.
Rot. 2.
Bucks.

‡ Esch.
23 Edw. III.
n. 85. p. 1.

§ Ibid.
1 Edw. III.
n. 69.

|| Ibid.
23 Edw. III.
n. 85. p. 1.

¶ Ex. MSS.
Browne,
Willis, Arm.

** Ibid.

†† Ibid.

John Nowers, died about 1340 (14 Edw. III.), before his mother, having had issue by Maud,** or Margaret, his wife, a son John; which

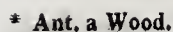
John Nowers controverted†† the right of presentation of Stoke Goldington with the prior of Ravenston, in 1376, and had judgment given in his favour. He died in 1396 (20 Ric. II.), having had issue by Alice his wife, who survived him, and died in 1427, several children, whereof

Almarick Nowers died in 1408, without issue. Agnes and Grace died nuns; and Joan Nowers became heir to her father, and brother: she married sir Robert Nevill, who had Gothurst in her right, and died possessed thereof in 1426, leaving issue; in whose heirs-general (if legitimate),‡‡ is vested the representation not only of Almarick de Nodariis, who flourished temp. Edward I., but of a co-heirship of the ancient barony of Albini, of Cainho; together with that of the old and famous barony of Percy.

‡‡ Vide Tab.
Genealog.

* Hearne's
Lib. Nig.
Scacc.
Vo. I. p. 196.

(^{3s}) This family was of ancient degree; whereof Richard Fitz-Nigel, of Buckinghamshire, 12 Hen. II., on the assessment of aid for the marriage of Maud, the king's daughter, certified that he held one knight's fee and a half, de veteri feoffamento;* of which, Walter, his brother, had one moiety, and he himself held the other.



✚ SIR JOHN CONWAY and RICHARD MOSTYN, Esq. joined in the sale of Gothurst and Stoke Goldington, in 1704, to GEORGE WRIGHT, Esq., eldest son of SIR NATHAN WRIGHT, the Lord-Keeper.

PABENHAM. (24 EDW. I.)

* Lib. Fœd.
V. II. p. 174.

John de Pabenham, in the time of Henry III., held * half a knight's fee in Hynewyk and Pabenham, in Bedfordshire, of the barony of Beauchamp of Bedford, and died seised of the said lands, as also of others at Carlton and Welden, in the county of Bedford, about the 53 Hen. III.† After when, another

† Esch.
53 Hen. III.
n. 5.

John de Pabenham held the same lands, who with his son, another John, by the name of John de Pabenham, senior and junior, had summons to attend the coronation of Edward II.

‡ Dug. Lists
of Summ.

John de Pabenham, junior, by that distinction, 24 Edw. I., had summons‡ in the character of a baron, to attend the king at Newcastle-upon-Tyne; but after when, his name is not contained in any writs of a similar nature, though the family for a long period afterwards continued to flourish in the possession of their lands at Pabenham, and to have a confirmation of the privilege of free-warren in the same.§ Of this name,

§ Pat. Rot.
38 Edw. III.
m. 46.

Laurence de Pabenham married Elizabeth, one of the three sisters and co-heiresses of Thomas de Engaine, and had partition of his inheritance accordingly;|| which Thomas left an heir-female, as, under the article of Engaine, is more fully set forth in the Dormant and Extinct Baronage.¶

|| Original.
42 Edw. III.
Rot. 2 & 4.

¶ Vol. I.
p. 294.

LAWRENCE PAVILLY or PAVELY. (24 Edw. I.)

** Lib. Fœd.
Vol. I. p. 61,
et alibi.

This family is supposed to have been of Norman extraction,^(3t) and became divided into several branches, which were seised at an early period of lands in the counties of Nottingham,** Northampton,†† Somerset,‡‡ and Wiltshire.§§ Of one of these branches there is a pedigree given by

†† Ibid.
p. 126, et
alibi.

‡‡ Ibid.
p. 733, et
alibi.

§§ Ib. p. 657,
et alibi.

^(3t) The Liber Fœdorum (Vol. II. p. 365, Norf.) thus recites; viz. "Thom' de Pavely Norm' tenuit Scullethorpe & medietate de Schilberh'd & Will. comes Warenn tenz terrā illam & valet xxx^{li}."

Bridges in his History* of Northamptonshire; and of another there is a pedigree in Thoroton's History of Nottinghamshire†, of the Northamptonshire line.

* V.I. p. 597.

† p. 65, 66.

Robert de Pavely lived in the time of Richard I. and king John, and by Maud, his wife, had issue another

Robert de Pavely, who deceased about 35 Hen. III., ‡ being then seised of lands at Piry and Houghton, &c., in the county of Northampton, and leaving by Muriel his wife, a son

‡ Esch.
35 Hen. III.
n. 50.

Robert, who was then about twenty-three years old, and died 16 Edw. I., § having had issue by Sarah his wife, || a son

§ Ibid.
16 Edw. I.
n. 35.

Lawrence Pavely, who, 4 Edw. I., ¶ on a general proffer of services to the king, taken at Twedemouth, on Thursday next after the Nativity of St. Mary, acknowledged and offered the service of one knight's fee in the county of Northampton, to be performed by** Pauline Pavely and John Pyrie, with two horses well equipped. Furthermore, in the 24th of the same reign, he had summons†† to attend the great council, then convened at Newcastle-upon-Tyne, upon the subject of an intended expedition against the Scots. He was dead before 1 Edw. III.: for in that year, ‡‡ Lawrence de Pavely had a grant (or rather a confirmation) in fee of all his lands in Piry and Houghton, county of Northampton; Risley, county of Nottingham; and Winfield, county of Derby; which had been granted to Robert Pavely his ancestor, by William Peverel, to hold by the suit and service of one knight's fee.

¶ Original.
27 Edw. I.
Rot. 18.

¶ Madox's
Baron. Ang.
p. 215.

** Ibid.

†† Dugd.
Lists Sum.

‡‡ Rot. Pat.
1 Edw. III.
m. 28. pars.
2.

Robert de Pavely, son of Lawrence, died circ. 20 Edw. III., §§ having had issue several sons, |||| whereof

§§ Esch.
20 Edw. III.
n. 50.

Lawrence de Pavely, the eldest, was aged nineteen at his father's death, and deceased the 23 Edw. III., ¶¶ without issue; whereupon

|||| Blore's
History of
SouthWing-
field, p. 81.

John de Pavely, his brother, aged fifteen, became his heir, who was afterwards a knight, and in the 3rd, 10th, and 13 Ric. II., sheriff of the county of Northampton, and died, as it seems, without issue male; for his heir-female, or one of his heirs female, married into the family of St. John,*† and carried with her a very considerable inheritance.

¶¶ Esch.
23 Edw. III.
n. 71.

*† Vide
Collins's
Peerage.
St. John
Family.

In Madox's Exchequer, †† it is stated, that Joan, wife of John Chidiock,

†† p. 323.

and Ele de Bradeston, were daughters and co-heirs of Alice, one of the daughters and heirs of a John de Paveley, of Westbury, in Wiltshire.

WALTER PAVILLY, or PAVELY. (24 Edw. I.)

Walter de Pavely, in the time of Henry III., held one knight's fee of the king in capite, in Broke, in the county of Wilts; and also one knight's fee in Westbury and Chippenham, in the same county.* In the 36 Hen. III. he held a license† for free-warren in his demesne lands at Westbury, and shortly afterwards deceased, about the fortieth‡ of the same reign.

Reginald Pavely, his successor, 45 Hen. III.,§ was summoned in the character of a baron to attend the king on urgent affairs, as well affecting the state of the nation, as the king's crown and government; and 47 Hen. III. he had the like summons to attend at Chester, upon an expedition proposed to be made into Wales. He deceased about 8 Edw. I.,|| and was succeeded by

Walter de Paveley, who imports to be the person summoned the 24 Edw. I., in the capacity of a baron, to attend the king at Newcastle-upon-Tyne.¶

After him, another Walter de Pavely is noticed, as a very eminent soldier in the martial reign of Edward III., at which period he was one of the knights of the Garter.

The line of this family seems to have terminated in an heir-female, married to Cheney, by whose heir-general married to Willoughby (a younger branch of Willoughby of Eresby,) the manor of Broke, or Brooke, was acquired to that family; whereof sir Robert Willoughby, a great and expert soldier, was summoned to parliament in the reign of Henry VII. as a baron of the realm, by the title of Willoughby de Broke.

* Lib. Fœd.
p. 143.

† Rot. Cha.
36 Hen. III.
m. 9.

‡ Esch.
40 Hen. III.
n. 41.

§ Clau. Rot.
45 Hen. III.
In Dorso,
m. 3.

|| Esch.
8 Edw. I.
n. 24.

¶ Dug. Lists
of Summ.

PAYNEL of TRACYNTON. (29 Edw. I.)

Dugdale, in his Baronial History, has mentioned the Paganel or Paynel family ; but he has not taken any notice of

William Paynel, who, 29 Edw. I.,* was one of those eminent persons who subscribed their names and affixed their seals to that memorable letter which was then addressed to the Pope, maintaining the king's supremacy over the realm of Scotland ; on which occasion, he was denominated "*Willielmus Paynel, Dominus de Tracyngton.*"

* Dug. Lists
of Summ.
p. 33.

PAYNEL of OTTELEYE. (29 Edw. I.)

With respect to the degree of relationship of this party to the one which was lord of Tracyngton, there is no account, inasmuch as Dugdale has equally passed over in silence the lord of Otteleye, as well as the lord of Tracyngton : it merely therefore remains to observe, that

John Paynel was likewise one of those eminent men who, 29 Edw. I., signed and sealed that letter, which, in the parliament at Lincoln then holden, was agreed to be sent by the nobles of the realm to the Pope, vindicating the supremacy of their sovereign over the kingdom of Scotland, being thus described : "*Johannes Paynel, Dominus de Otteleye.*"

PAYVRE or PEVRE. (22 Edw. I.)

This family descended from Roger, the great bishop of Salisbury, in the time of king Stephen, who, by Maud de Ramsbury, *his harlot*, had a son,† called Roger de Paupere Censu ; whose descendant,

Pauline Payvre, Pevre, or Piper, flourished in the reign of Henry III. ; when he first came to court, he was, as Matthew Paris observes,‡ a person

† Kennet's
Paroch.
Antiq.
‡ Matth.
Par. p. 709.

who had not above two carucates of land, but in a short time acquired a multitude of manors, with an immense revenue, so that he was almost equal to the first of the nobility, in point of greatness and opulence. His principal seat was at Tuddington, in Bedfordshire, where he erected* a mansion, with such palace-like grandeur—such a chapel—such lodgings,—with other houses of stone, covered with lead,—and surrounded the same with such avenues and parks,—that it excited the astonishment of the beholders.

* Matth.
Par. p. 709.

† Ib. p. 544.

‡ Ib. p. 709.

§ Lib. Fœd.
Nev. Vo. II.
851.

|| Ibid.

¶ Matt. Par.
p. 709.

** Mag. Bri.
V. I. p. 143.
Bedf.

This eminent courtier was sewer to Henry III.,† and one of his principal counsellors. He died in 1251,‡ when his body was interred in London, and his heart carried to Tuddington. His wife, (^{3u}) surviving him, re-married with sir John Grey,§ knight, who thereupon became|| the inhabitant of those noble edifices and domains, which, as yet, were scarcely completed.¶

John Peyvre, son and heir of Pauline, was under age at the time of his father's death, and according to Lysons,** John, lord Grey, who had wedded his mother, having purchased of the king his marriage, thereupon united him to his own daughter, at his manor of Water-Eaton, in Buckinghamshire.

†† Dug. List
of Summ.

‡‡ Ibid.

§§ Ibid.

This John became afterwards a person of great note, and may be concluded to be the same who, 22 Edw. I., had summons†† to that parliament which was then appointed to convene, but for which no place of assembling was declared. The like summons‡‡ he had in 24 Edw. I., to attend a great council at Newcastle-upon-Tyne; as also,§§ in the 27th of the same reign, to the several parliaments appointed to meet at London and

(^{3u}) She was named Annora, and was one of the sisters to Michael Belet, the king's butler (founder of Wrokeston priory). This lady carried to her husband, Pauline Payvre, the inheritance of certain lands holden by the serjeancy of butlerage; viz. to hold the king's cup to the earls of Arundel, butlers of England, when the earl is to deliver it to the king. But this is to be understood of the then earls of Arundel, who were the Albini's, and held the lordships of Bokenham, Wymondham, &c., in Norfolk, by the service of being butlers to the king on the day of his coronation. But whether this lady Annora was his first or last wife, may be questioned: for Blore, in his History of Rutlandshire, states, (citing the Chronicle of Dunstable) that the name of Pauline Peyvre's widow was *Johanna*.

Westminster. But after this period, neither his name, nor that of any of his posterity, has place among the barons of the realm.

Thomas Peyvre,* the sixth in descent from Pauline Peyvre, had only female issue, whereof Mary, daughter and heir, married sir John Broughton, (3^u) whose daughter and co-heir, Anne, carried the manor of Tuddington, with other estates in marriage, to sir Thomas Cheney, knight of the Garter; whose son Henry, was afterwards created lord Cheney, of Tuddington, anno 1572.

* Lyson's
Mag. Brit.
Vo. I. p. 143.
Bedf.

Lysons, in his *Magna Britannia*,† states, that the parish church of Maids-Morton, in the county of Bucks, was built about the year 1450, by some of the Peyvre family, who possessed the advowson. The tradition is, that it was built by two maiden sisters, daughters of the last heir-male of the Peyvre family; and that the village was from thence called *Maids-Morton*.

† Vol. I.
p. 609.
Bucks.

PERROT. (25 EDW. I.)

This name is of very eminent and ancient degree, being derived, according to the traditional account of the family, from

Sir Richard Perrot, seigneur de Perrot in Brittany, who came over with William the Conqueror, anno 1066,‡ and obtained some lands in Somersetshire, near the river Perrot. He had issue,

‡ Battle
Abbey Roll.

Stephen Perrot, who is said to have married a Welsh lady, named Helen, daughter of Marchion, the son of Rhees, one of the princes of that country.

Andrew Perrot, son of Stephen, was lord of Istynson, and married Janet, a daughter of Ralph, lord Mortimer, by Gladuse his wife, daughter of Leweline, prince of Wales, and had issue William, father of Peter, who had two sons, Ralph and Stephen; whereof the former had summons to parliament, but died without issue, and Stephen continued the line.

(3^u) This sir John Broughton, in 1443, founded an hospital at Tuddington, in honour of St. John the Baptist, for three poor men, and a master or chaplain, who were to pray for the souls of Thomas Peyvre and Margaret his wife, and their ancestors.

But, notwithstanding the confidence (^{3v}) with which this descent is given in the printed Baronetage of Kimber and Johnson,* there is reason to look upon it as neither correct, in point of chronology, or identity of persons and marriages.

The name has been variously written,—as Perot, Pirot, Parrok, and Parret. The authentic record called The Black Book of the Exchequer, states,† that

Alan Pirot held six knights' fees under William de Albini, in Norfolk, and, that

Ralph *Pirot*, 12 Hen. II.,‡ upon the assessment of aid for the marriage of Maud, the king's daughter, was named in the certificate of Robert de Albini, of Cainho, as holding of him five knights' fees; at which time also, a John Pirot similarly held one knight's fee in Bedfordshire.

In the certificate of the bishop of Ely,§ at the same period, a Ralph Pirot is noticed as holding of him two knights' fees in the county of Cam-

bridge; and in the certificate|| of Henry Fitz-Gerald, on the same occasion, Ralph Pirot is mentioned as holding of him four knights' fees in Essex.

Also, on the same occasion, a Ralph Pirott is certified¶ by Geffery de Vere to hold of him four knights' fees.

If these knights' fees, amounting in the aggregate to fifteen, were holden by one and the same person, they point him out as one of considerable estate and consequence. After him, another

Ralph *Pyrot* is recorded** as holding, in the reign of Henry III., four knights' fees of the barony of Albini, of Cainho, in the counties of Bedford

(^{3v}) The descent is taken from the pedigree, introduced by the following dedication; viz.
 “ This pedigree of the most noble and princely house of Perrot, descended from a numerous race of kings, monarchs of Britain, was collected from the British Annals, which will bear record of the truth, and that it is no fiction, to latest posterity. It is most humbly dedicated to the most noble and puissant prince, sir James Perrot, marquis of Narbeth, earl and viscount Carew, and baron Perrot, by his lordship's poor, but most faithful servant, *Owen Griffiths*; who was wounded by his side in Carew Castle, 1650.”

This pedigree so entitled, and declaratory of honours, which were never granted, one would imagine, was rather the fruit of a disordered mind, than the produce of a serious research and faithful representation.

* Testa de Nev. Vol. I. p. 182.

† Hearne's Lib. Nig. Scacc. Vo. I. p. 287.

‡ Ibid. Vo. I. p. 202. Bedf.

§ Ib. p. 250. Cantab.

|| Ib. p. 238. Essex.

¶ Ib. p. 146. Salop.

and Bucks; which knights' fees are then mentioned as in division* between the said Ralph and the lady Isabella de Albini. (^{3w}) At this time, likewise, Ralph *Pirot* held,† in Lindesel and Hakewell, in the counties of Essex and Hertford, two knights' fees; and also, the same number‡ in Cnolton and Ringleton, in Kent; making altogether eight knights' fees, but seven less than his ancestor seems to have possessed in the time of Henry II., in the counties and places aforesaid. This Ralph died, as it is likely, about 36 Hen. III., when§ he was seised of Lindesel, in Essex, and Sauston, in Cambridgeshire. He had several sons, as it is probable; whereof,

Robert *de la Parrok*, in the 52nd and 53|| Hen. III., had a license for free warren, and a market and fair at *De la Parrok*, in Kent.

Henry *Pyrot*, 6 Edw. I., had committed¶ to his charge the custody of the county of Kent, to hold during the king's pleasure. And

Simon *Perot*, 4 Edw. I., was one of those** who, in the general proffer of knights' services, taken at Twedemuth, on Thursday after the Nativity of St. Mary, in the year aforesaid, tendered his service for two knights' fees holden in the counties of Essex and Cambridge.

Ralph *Perot* was successor to Simon, and, 24 Edw. I., had a writ of service, or rather summons†† to attend, among others, at Newcastle-upon-Tyne, with horse and arms, to march against the Scots; and also in the following year had his name included among those of the earls and barons who, 25 Edw. I., had summons‡‡ to attend a parliament appointed to be holden at Salisbury. He died about 33 Edw. I., §§ seised of the manors of Sauston and *Lyndesle*, for which manors, Simon, the son of the said Ralph, in the year||| aforesaid, paid a fine of 20 *l.* for license to enjoy them, having acquired them, or rather entered upon their possession, without the king's permission.

Having thus given an account of that branch or family of *Perrot*, which

* Testa de Nev. Vol. I. p. 182.

† Ib. p. 244.

‡ Ib. p. 15.

§ Esch. 36 Hen. III. n. 37.

|| Cha. Rot. 52 & 53 Hen. III. n. 10 & 2.

¶ Original. 6 Edw. I. Rot. 7.

** Madox's Baron. Ang. p. 214.

†† Dugd. Lists Sum.

‡‡ Ibid.

§§ Esch. 33 Edw. I. n. 160.

||| Original. 33 Edw. I. Rot. 14.

(^{3w}) The Testa de Nevill, at this period, notices a William *Pirot*, as holding with William *Faudho*, one knight's fee in *Pullokeshull*, of the honour of *Albini*, of *Cainho*; which William was probably the heir of John, who held the knight's fee mentioned in the certificate of Robert de Albini, 12 Hen. II.

appears to have been the one summoned to parliament in the time of Edward I., it may not be very irrelevant to return to the family genealogy, before mentioned; and therefrom to notice the line, which is stated to have been the progenitor to the famous Lord Deputy of Ireland. Of this race,*

* Ex. Stem.
Fam. de
Perrot.

Stephen Perrot, lord of Istynson, married Mabel, daughter of ——— Castle, of Castleton, in Pembrokeshire, and had issue John, father of Peter, who, by Alice, daughter and heir of sir Richard Harold, of Haroldston, was ancestor to

Sir Thomas Perrot, who married Mary, daughter and co-heir of James, second son of Maurice, lord Berkeley, and had issue,

† Mag. Brit.

Sir John Perrot; who, as Camden observes,† was Lord Deputy of Ireland, and being sensible that nothing would more effectually appease the tumults in Ireland, than a regulation and settlement of the province of Ulster, went thither himself in person, and, by his gravity and authority, gained so much respect among the petty kings, that they consented to have their seignories reduced into counties, and admitted sheriffs to govern them: but, being afterwards recalled, and being very ambitious, some powerful rivals, (together with the licentiousness of his own tongue, in speaking disrespectfully of his sovereign,) brought him unaware to ruin.

He died in November, 1599, having married to his first wife, Anne, daughter of sir Thomas Cheyney, knight of the Garter, (sister to Henry, lord, Cheney), and had issue,

Sir Thomas Perrot, who was created a baronet, 29th of June, 1611, but died before his patent had passed. He married Dorothy, daughter to Walter Devereux, earl of Essex, and by her had two daughters; viz. Dorothy, who married James Perrot,—and Penelope, who wedded, first, sir William Lower, and secondly, sir Robert Naunton, principal Secretary of State.

PIERREPONT. (22 EDW. I.)

This ancient family, which, in the course of time, attained to the highest rank in the peerage, is both mentioned by Dugdale, under the title of Earl,

and by Collins, under the dignity of Duke of Kingston. The latter author has very elaborately given the descent from its first progenitors; but the former celebrated writer has commenced his account at only a very late period, omitting two very eminent persons, who thereby become the subject of notice here. Of these,

Simon Pierrepont (eldest son and heir of Robert, by Annora his wife, daughter of Michæl, and sister and heir to Lionel de Manvers, of Holme, in the county of Notts,) was one of those great men who, 22 Edw. I.,* had summons to attend a parliament, wheresoever the king should be; which writ bears date at Westminster, the 8th of June, in the year aforesaid.

* Dug. Lists
of Sum.

This Simon left† a daughter Sibilla, who married Edmund Ufford.

† Mon. Ang.
Vo. I. p. 415.

Brother to this Simon, according to the statements of Collins and Edmondson, was

Robert Pierrepont, who had divers summons of service‡ to attend several councils in the reign of Edward II., and also in the 1 Edw. III., § to march against the Scots: but these were not a call to parliament, but (as the writs express), || for the purpose of a military expedition.

‡ Clau. Rot.
15 Edw. II.
et alii.

§ Dug. Lists
of Sum.

|| Ibid.

¶ Baron.
Genealog.
Vol. I. p. 57.

Edmondson¶ asserts, that this Robert died before he took his seat; which, if the writs were only a command, *ad perficiendum*, and not *ad deliberandum et tractandum cum cæteris magnatibus et proceribus*, is a misrepresentation of the fact. Indeed, there is reason to suspect an error in making Simon and Robert to be brothers, for the distance of time between 22 Edw. I. and 1 Edw. III., being thirty-four years, renders their being cotemporary, rather anomalous.

From Robert de Pierrepont descended the family of the late duke of Kingston,** as may be seen at large in the Dormant and Extinct Baronage of England. ** Vol. III.

RIPARIIS or RIVERS. (26 Edw. I.)

With regard to the derivation of this family, its origin is merged in

obscurity, although the several persons who have borne the name, have been of eminent note and honorial distinction. Of these,

* Dug. Bar.
Vo. I. p. 563.

† Matt. Par.
p. 220 & 32,
anno 1215.

‡ Esch.
27 Hen. III.
n. 33.

§ Dug. Bar.
Vo. I. p. 563.

Richard de Ripariis married* Maud, daughter of Richard de Lucie, and thereby acquired the manor of Aungre, in Essex. (^{3x}) He was one of those great men† who, in the time of king John, swore to obey the council of Twenty-five, who were elected by the barons for the administration of the government of the realm: when he died does not appear, but the said Maud survived him, and deceased about 27 Hen. III., ‡ leaving, according to Dugdale, Richard de Ripariis, her youngest son surviving, and *Richard*, § her grandson, then four years of age; whose wardship was committed to Philip Basset, in consideration of one thousand marks.

|| Lib. Fœd.
V. II. p. 266.

It seems also, that the said Maud had a younger son, William, who became possessed of certain lands at East Mersey, in Essex, which had been given to Richard his father, || by king John.

¶ Rot. Cha.
39 Hen. III.
in Dorso.

** Ibid.

†† Esch.
22 Edw. I.
n. 33.

‡‡ Original.
22 Edw. I.
Rot. 8.
Essex.

§§ Dug. Lists
of Sum.

But although Dugdale (as before observed) has thought fit to name the grandson of Maud de Lucy, *Richard*, it appears from a record ¶ of some authority, (^{3y}) that his name was *John*; which

John de Ripariis, married, or was contracted to marry,** one of the daughters of Richard de Thany, or Tany, and died about 22 Edw. I.; †† for in that year, another

John de Ripariis, his son and heir, had livery ‡‡ of those lands whereof his said father had been possessed. This John became a person of considerable eminence, and, 29 Edw. I., §§ was one of those who, in the parliament at Lincoln, subscribed that memorable letter which was addressed to

(^{3x}) Matill' de Lucy, Dñia de Angre maritata est Rico. de Ripa' p. Regē J. & valet terra ejus xl^{li} in Angr'.—Lib. Fœd. Vol. II. p. 246.

(^{3y}) Conventio facta inter Philippum Basset ex una parte & Richardum de Tany; viz. quod dictus Philippus dimisit dicto Richardo maritagium Johis. de Ripariis filii Richardi de Ripariis & hæredis Dominæ Matildæ de Lucy ad opus cujusdam filiarum suarum & maritagium Matildæ sororis dicti Johis. ad opus cujusdam filiorum suorum.

Pro maritagio autem dicti Johannis de Ripariis prædictus Dominus Ricūs de Thany & Margareta uxor filia & hæres Dñi Willi. filii Rici. de Stapleford tradiderunt, &c. dicto Philippo totum Manerium de Stanbregg cum ecclesia.—Chart Rot. 39 Hen. III. m. in Dorso.

the Pope, asserting the king's supremacy over the realm of Scotland; when he is written, "*Johannes de Ripariis, Dominus de Angre.*" Moreover, he had summons to parliament, and among the barons of the realm, from* 26 Edw. I. to 1 Edw. II., both inclusive.

The 4 Edw. II. he fined ten marks, for license† to enfeoff John his son of the manor of Aungre; and, shortly afterwards, ‡ deceased, leaving the said John his son and heir.

John de Ripariis, successor to his father, the 6th, 7th, 8th, and 9 Edw. II., § had summons to parliament; but after that period, neither himself or any of his posterity, had the like summons. In 13 Edw. III., by the description of John, son of John de Ripariis, he had license|| to enfeoff John Sutton, of Wyvenho, of certain lands at Writtle, and in the Hundred of Aungre, with remainder to himself the said John de Ripariis.

* Dug. Lists of Sum.

† Original. 4 Edw. II. Rot. 18.

‡ Esch. 5 Edw. II. n. 7.

§ Dug. Lists of Sum.

|| Esch. 13 Edw. III. n. 28. sec. nos.

ROCHE. (28 Edw. I.)

Thomas de la Roche, 26 Edw. I., had summons to attend the king at Carlisle, well furnished with horse and arms; on which occasion, he is, in the writ, ¶ denominated *a baron*. In the same character of a baron, he had other summons of service in the 27 Edw. I.; and, in the year following, ** had a summons to attend, with the earls and barons, a parliament, called to assemble at London, the writ being tested the 29th of December, the 28 Edw. I.

¶ Clau. Rot. 26 Edw. I. In Dorso. m. 6 & 5.
** Ibid. 28 Edw. I. In Dorso. m. 17..

The 29 Edw. I. he was one of the barons who, in the parliament at Lincoln, †† subscribed the letter to the Pope, touching the king's supremacy over the realm of Scotland; on which occasion, he is designated "*Thomas, Dominus de la Roche.*" From which period to the 34 Edw. I., his name is included with those of the earls and barons, summoned to the several parliaments holden in that interval.

†† Domo. Capitulari Westm.

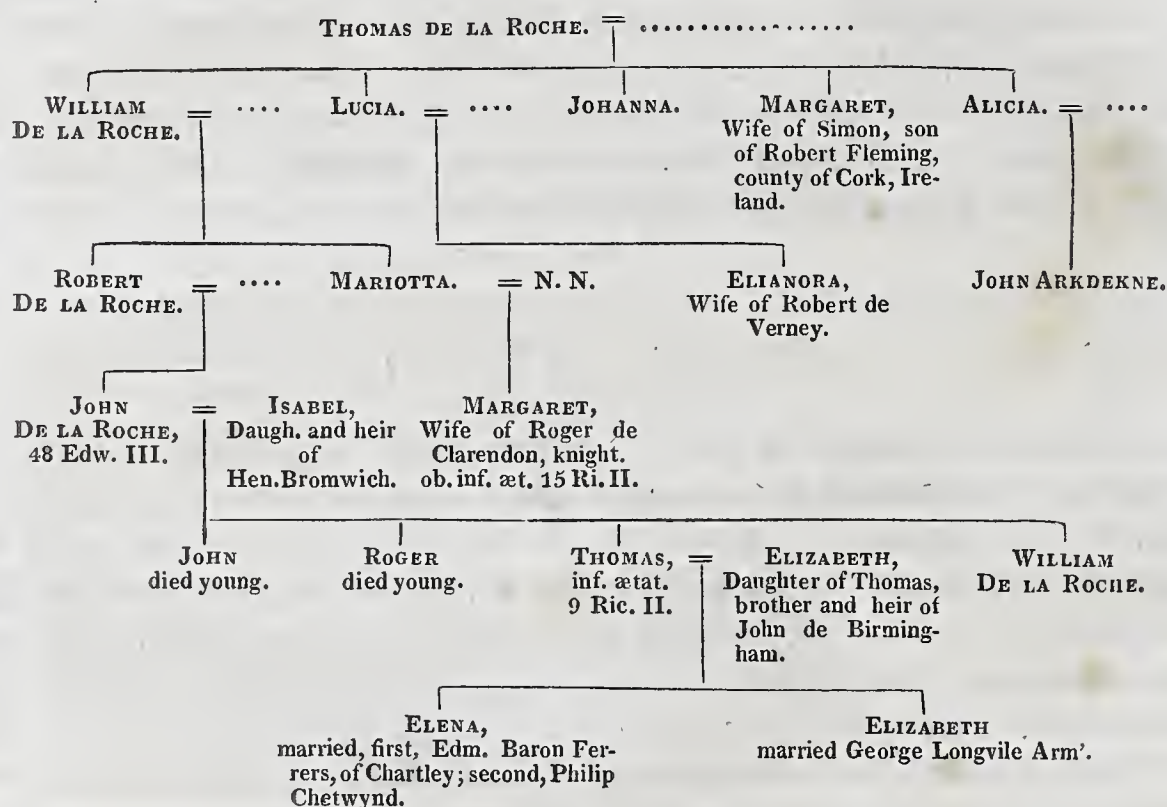
The first founder of this family is imagined to have been Peter de Roche, or Rupibus, who was consecrated at Rome, in 1204, bishop of Winchester, and was Chief Justiciar and Chancellor of England, anno 1213, the 15th of king John: ‡‡ after whose death, he was in much repute during

‡‡ Chronica Juridicalia.

the minority of king Henry III., being constituted Protector, on the demise of William Mareschall, earl of Pembroke. The bishop had a son styled, in the *Chronica Juridicialia*, "*G., the son of Peter, the king's justiciar;*" who, in 1212, was one of the barons of the Exchequer. He is said to have had several natural sons, whom he largely provided for. (^{3z})

* *Chronica Juridicialia*,
p. 648.

Sir William Dugdale, in his *Antiquities of Warwickshire*,* gives this pedigree of the family. (^{4a})



(^{3z}) One of these sons was, most likely, Hugh de la Roche, archdeacon of Winchester in 1253. *Originalia*, 26 Hen. III.

(^{4a}) The following singular tenure of the manor of Winterslewe, in Wiltshire, is taken from the *Escheat Roll* of 50 Edw. III.; viz. "*Johannes de Roches et Willielma uxor ejus*

ROSCELYN. (22 Edw. I.)

William de Roscelyn, the first of whom mention is made, (^{4b}) married Letitia, daughter and heir of Peter de Edisfield, whose ancestors, (^{4c}) from the time of the Conquest, had holden considerable lands in the county of Norfolk; by her he had issue,

Thomas de Roscelyn, (^{4d}) who, 50 Hen. III.,* obtained a license for free-warren in his demesne lands at Edisfield, (otherwise Eggefield,) Walecote, Norton, Heckingham, Drayton, Tasburgh, and Redlington, in Norfolk.

* Rot. Cha.
50 Hen. III.
m. 6.

Peter de Roscelyn, son and heir of Thomas, succeeded to the inheritance, and 14 Edw. I., claimed view of frank-pledge, and assize of bread and beer, among his tenants.

tenuit manerium de Winterslewe, per servicium quando Dominus Rex moram traxerit apud Clarendon, tunc veniet ad palatium regis ibidem, et ibit in Botellariam et extrahet à quacunque vase in dicta Botellaria inventa ubi eligere voluerit, vini quantum viderit necessarium pro factura unius picheri Claretti, quod faciat at sumptus regis et serviet regi de ciphō, et habebit vas unde vinum extrahit cum toto residuo vini in eodem vase dimisso, simul et ciphum unde rex potaverit clarettum illud.

In inquisitione anno sexto Hen. 4. (n. 3.) compertum est quod Willielma nuper uxōr Johannis Roches Chevalier fuit filia et hæres Matildis de la Mare.

(^{4b}) Upon the assessment of aid for marriage of Maud, the king's daughter, 12 Hen. II., Hubert de Rye certified* that *Rocel. filius Osbert*, held of him five knights' fees; which Rocel, was, likely, the ancestor of this William.

* Hearne's
Lib. Nig.
Vo. I. p. 289.

(^{4c}) From Domesday it is shown, that Ralph, the brother of Ilgar, held the lordship of Edgefield, and that Humphrey the nephew, or near relation of Ralph, at the same time held of him Walecote, or rather East-hall manor, in Walecote. This Humphrey assumed the name of Edgefield, or Edisfield, and was father of Peter, father of William; which William, with Maud de Walecote his mother, by deed *sans* date, granted† to the monks of Bromholme, two parts of the tithes of his demesnes at East-hall, and confirmed the gifts of Peter his father, and Humphrey his grandfather, to the said priory. Peter, son of this William, left by Hawise his wife an only daughter, who married Roscelyn, as above mentioned.

† Hist. of
Norfolk.
Vol. VII.
p. 68.
Happing.

(^{4d}) A Thomas Roscelin married Catharine, daughter and heir of Nicholas Boteler, sen., who married the sister of Reynier le Sirene, to whom Ranulph Glanville gave the manor of Upton, which had been granted to him by Henry II.—Vide Hund. Rot. Norf. Bund. 12, m. 1. p. 504.

* Dug. Lists
of Sum.

In the 22 Edw. I., this Peter was one of those who had summons* to attend a parliament, appointed to be holden, but of which no place is named in the writ for its meeting.

Thomas de Roscelyn, son and successor to Peter, was, on the barons' part, in their confederacy against the Spencers, in the time of Edward II., for which his lands were seized: but afterwards, in the reign of Edw. III., he was restored to favour, and also to his estates. He died without issue, prior to the 13 Edw. III., having, by his will, appointed lands for the maintenance of a chaplain, to pray for his own soul and that of his grandfather, in the chapel of St. Mary, founded by his said grandfather, in his manor of Eggefield, or Edisfield. His inheritance came to his six sisters and co-heirs; whereof, Margery married John de Champaine; —, Ralph de Bokenham; Alice, sir William Daye; Joan, John lord Willoughby, of Eresby; Maud, sir Robert Tiffin; and Mary, sir John Camois.

† History of
Norfolk,
Vol. VII.
p. 33. Holh.

The lord Willoughby had the several shares of the other coparceners in the manor of Edisfield, conveyed to him; and, according to the History† of Norfolk, died seised of the whole, leaving Joan his wife surviving, who remarried with sir William Synthweit.

‡ Ibid.
Vol. II. p. 6.
Clav.

A younger branch of this family‡ was William, brother (as it would seem) to Peter; for he was cotemporary with him, and, 14 Edw. I., claimed assize of his tenants, view of frank-pledge, a gallows, and free-warren, having purchased § of the prior of Norwich a lordship in Aldebye, in the county of Norfolk. This sir William, and Joan his wife, 4 Edw. II., settled by fine the said manor on themselves for life, with remainder to William Marshall, baron of Rye, and his heirs; to which family it afterwards passed|| accordingly. Sir William left his wife surviving, who deceased about 1 Edw. III.,¶ being then seised of the said lordship of Aldebye, with Staunborne and Foulsham, in the county of Norfolk.

§ Ibid.

|| Ibid.

¶ Esch.
1 Edw. III.
n. 45.

ROUBURY. (8 Edw. II.)

** Chr. Jur.

†† Rot. Pat.
9 Edw. II.
m. 32.

Gilbert de Roubury, a very eminent lawyer,** in the reigns of Edward I. and II.,†† had summons to parliament during those periods, as one of the

king's justices; but, in 8 Edw. II.,* in the parliament summoned to be holden at York, the names of the king's justices are intermixed† with those of the earls and barons. But, although the writ is *fide et homagio et cum cæteris magnatibus et proceribus de regno*, &c., terms which apply to the baronage, and not to the king's counsel; yet it has not been considered that this single call, including the name of Gilbert de Roubury, thereby conferred upon him the honour of a parliamentary peerage, inheritable by his posterity.

* Dug. Lists of Sum.

† Ibid.

With regard to the origin, or descent of this family, no mention is made of it either in the Testa de Neville, the Charter or Patent Rolls, or the Escheat, or Originalia Records; from whence it may be collected, that any of his ancestors were tenants in capite, or even sub-feudists of territorial property. The name, indeed, of

Hugh de Ronbury, or Roubury, occurs‡ in 23 Edw. I., when the said Hugh was appointed keeper of the priories and religious houses in the counties of Buckingham and Bedford.

‡ Originalia.

RUSSELL. (24 Edw. I.)

This ancient family, which in the male line is now represented by the duke of Bedford, possessed at an early period considerable estates in the counties of Dorset and Somerset.

John Russel, (4^e) in the 3rd of king John, gave § fifty marks for license to marry the sister of Doun Bardolf, of Wirmegay, in Norfolk. He seems to have been one of the faithful adherents|| to king John, in the time of his

§ Rot. Pip. 3 Joh. Dors.

|| Rot. Pat. 17 Joh. m. 17.

(4^e) This John, in the 14th of king John, is styled *Jo' fil Odonis Russel*; but of which *Odo*, no mention is made in the printed account of this family, published either by Dugdale or Collins.—Vide Pat. Rot. 14 Joh. m. 2.

Cotemporary with this John was sir William Russel, *knight*, a person also of whom no mention is made by any of the genealogical writers before named.—Vide Rot. Pat. 18 Joh. m. 4. n. 42.

troubles, and, on that account, to have been much favoured by that monarch.

* Claus.
5 Hen. III.
m. 8.

† Rot. Pat.
7 Joh.
n. 1.

‡ Ibid.
11 Hen. III.
m. 6.

§ Ibid.
36 Hen. III.
m. 5. n. 4.

|| Lib. Fœd
Vo. I. p. 730.

¶ Cla. Rot.
8 Hen. III.

In 5 Hen. III.* he was constable of Corf Castle, in the county of Dorset; and the 7th of the same reign,† was sheriff of Somersetshire. When he died, the records do not state; but it must have been shortly after this period, as the 11 Hen. III.,‡ Rohesia, who had been the wife of John Russel, had a license to marry again.

Ralph Russel, son and heir of John, 36 Hen. III.,§ had special permission to hunt in all the king's forests within the counties of Wilts, Somerset, and Dorset. He married Isabel,|| one of the daughters and co-heirs of James de Newmarch, lord of Derham, in the county of Gloucester; and, 8 Hen. III., had livery¶ of those lands in the counties of Gloucester, Somerset, and Wilts, which fell to her share in the partition of that inheritance. He had issue several sons, whereof

** Original.
6 Edw. I.
Rot. 24.
Dors.

†† Cha. Rot.
12 Edw. I.

William Russel was successor to his father, and, 6 Edw. I., had livery of his lands.** In the 12th of the same reign, he had a charter†† for a market, fair, and free-warren, at his manor of Kingston-Russel, in Dorsetshire; which manor was holden by serjeanty; viz. to be "*cup-bearer to the king at the four principal feasts in the year.*" From this William, by the second wife of Theobald, his eldest son, descended, according to Collins, the family of the present duke of Bedford. But the name of

§§ Cla. Rot.
In Dorso.
m. 12.

||| Esch.
35 Edw. I.
n. 28.

¶¶ Origin.
25 Edw. I.
Rot. 9.

Robert Russell is not contained in the Genealogical History of the Bedford Line. This Robert was a son of Ralph Russell, by Isabel de Newmarch, and the same who, 24 Edw. I., had summons§§ to attend the king at Newcastle-upon-Tyne. Shortly after, when he died,||| seised of the manor of Derham, in Gloucestershire; Horsington, in Somersetshire; Herdwick, in the county of Bucks; and other lands in Gloucestershire and Berkshire; holden by the service of *half a barony*, leaving William, his brother and heir, who had livery¶¶ of these lands accordingly.

RYE. (22 Edw. I.)

Of this family it cannot be said that Dugdale has made no mention, for he has certainly included their name among those of the greatest houses noticed by him in his Baronage:* but he has nevertheless observed, that none of the name ever had summons to parliament, while the evidence of his own Lists of Summons contradicts† his assertion. Thus,

Walter de Rye, 22 Edw. I., had summons to attend that parliament, which was to be holden wheresoever the king should be,‡ but for the assembling whereof, no place was appointed by the writ. The meeting might never take place; but as the name of Walter de Rye was included with the rest of the nobles and great men then noticed, it was as much entitled to honorary mention as that of several others who have insertion in his Peerage History.

Of this Walter, the pages of Dugdale, as before observed, are totally silent, so that it cannot be collected, whether he was of the same stock as the one noticed by him. Previous to this time, a

William de Rye had a charter§ for free-warren at his manor of Rye, in the county of Sussex. This place being one of the members of the Cinque Ports, the lord might be called to parliament in that capacity,|| a circumstance which leads to the idea, that the person summoned the 22 Edw. I., was son of this William, who might have his descent from Adam, a younger son of the famous Hubert de Rie, or Rye, to which Adam, the Conqueror gave¶ large possessions in Kent.

Cotemporary with this William, was Ranulph de Rye, which

Ranulph, 24 Edw. I.,** was one of those who then had summons to attend a great council at Newcastle-upon-Tyne, with horse and arms, to march against the Scots. In 9 Edw. I. he†† had a license for free-warren at Surflett, Quadring, Donington, Iwardby, and Houthorp; as also for a market and fair at Gosberkerk, in Lincolnshire. From the description of these lands, it would intimate that he was the son, or at least successor, to that Robert de Rye, who held Surflett, Quadring, Donyngton, &c., of the

* Dug. Bar. Vol. I. p. 109-10.

† Dug. Lists of Sum. p. 6 & 15.

‡ Clau. Rot. 22 Edw. I. In Dorso. m. 8.

§ Char. Rot. 33 Hen. III. m. 6.

|| Vide Rot. Chart. 33 Edw. I. n. 13. viz. Barones de la Rye.

¶ Dug. Bar. Vo. I. p. 109.

** Dug. Lists of Sum.

†† Cha. Rot. 9 Edw. I. n. 17.

bishop of Lincoln, by the service of two knights' fees; whereof the particulars are set forth in the Testa de Nevill.*

* Testa de Nevill, Vol. II. p. 415.

John de Rye, after the death of Ranulph, had the manor of Gosberkerk;† and after him,

† Esch. 9 Edw. III. n. 27.

Nicholas de Rye held the same, together with Surflett, Pincebeck, Quadring, Wyhum, and Donyngton; for all which places he had a grant,‡ or rather confirmation of those privileges which had before been given to his predecessor Ranulph. His wife's name was Juliana, as is set forth in the exemplification of a certain judgment had against them in assize,§ by the abbey of Burgh St. Peter, for one hundred and forty acres of Marsh, within the manor of Gosberkerk, &c.

‡ Char. Rot. 15 Edw. III. n. 17.

§ Rot. Pat. 19 Edw. III. m. 2.

SAMPSON. (26 Edw. I.)

William Sampson, 26 Edw. I., was one of those who, in the writ, are denominated barons,|| and had then summons to attend with horse and arms a great council, appointed to meet at Carlisle. From which period to the 33 Edw. I., inclusive, he had the like summons among the barons of the realm.¶ According to the Testa de Nevill,** he held lands at Epereston and Wudeburgh, which his ancestors had holden by the service of one knight's fee of the barony of *Odinghes*,^(4f) de veteri feoffamento; for which manor of Epereston he obtained a license of free-warren, 24 Edw. I.††

|| Dug. Lists of Sum.

¶ Ibid.

** Testa de Nevill, Vol. I. p. 36. & 35. Notts. and Derby.

†† Cha. Rot. 24 Edw. I. n. 4.

‡‡ Dug. Lists of Sum.

John Sampson was cotemporary with William, and 24 Edw. I. had summons‡‡ of service to attend, at Newcastle-upon-Tyne, with horse and arms, to march against the Scots.

* Testa de Nevill, Vol. I. p. 87 and 92.

(4f) This means *Odingseles*, which family by the co-heir of Limesi, became seised of a moiety of that barony, of which the Testa de Nevill elsewhere* thus says: "Thom. Sampson p. iii fœd.' & di' in Eperiston & in Wodeburgh cū p'tin vii Marc."—De Feodo Lymesie.

By which it is evident, that, on the assessment of aid for the marriage of the king's sister to the emperor, Thomas Sampson paid seven marks for his relief of the three and a half knights' fees, which he held in Eperiston and Wodeburgh, of the barony of Limesi.

This John had his seat at Tonehouse, in Yorkshire, where, 33 Edw. I.,* he had a license for free-warren in his demesne lands.

* Char. Rot.
33 Edw. I.
n. 28.

But though these two persons seem to have been of some consideration, by reason of their possessions,—and the former especially, by virtue of his reiterated summons to parliament,—their names are not recorded as having holden any eminent offices, or as having been otherwise in any way distinguished; unless it might be, that John Sampson, 28 Edw. I., was constable of Stirling Castle.

Elizabeth, sole daughter and heir of John Sampson, of Breason, in Derbyshire, and sole granddaughter and heir of John Sampson, of Newby, in Yorkshire, married sir Thomas Parkyns, of Bunny, in Nottinghamshire.†

† Collins's
Baronetage,
Vol. IV.

Of this name was Richard Sampson, bishop of Litchfield and Coventry, about 1543, who was likewise Lord President of Wales.

† History of
Norfolk,
Vol. VII.
p. 35. Lon-
don.

There was also a family of this name at Playford, in Suffolk, whereof Robert Sampson, by marriage with Elizabeth, daughter and heir of Thomas, son of Robert de Swillington, became possessed of a very considerable estate in the county of Norfolk;‡ and held likewise lands in Derbyshire,§ and several other counties.

§ Blore's
History of
South Win-
field.

SANDALE. (33 Edw. I.)

William de Sandvill, Sanderville, or Sandal, in 12 Hen. II. held|| four knights' fees under Alexander Fitz-Gerald, of the honour of Skipton, in Craven. After whom,

|| Hearne's
Lib. Nig.
Vo. I. p. 322.

John de Sandale, (4g) 8 Edw. II., had summons among the earls and barons of the realm to that parliament which was convened to meet at York.¶ But it is to be observed, that, in this writ, the judges and king's counsel are intermixed** with the hereditary peers of parliament; so that

¶ Dug. Lists
of Sum.
** Ibid.

(4g) The name of a manor in the county of York.

the summons has never been considered creative of a baronial honour descendable to the heirs of the person so summoned.

* Rot. Pat.
m. 5. et
Originalia,
33 Edw. I.
Rot. 8. Sca.

† Rot. Pat.
1 Edw. II.
m. 4.

‡ Ibid.

3 Edw. II.
m. 2.

§ Ibid.

8 Edw. II.
m. 6. n. 2.

¶ Cha. Rot.
7 Edw. II.
n. 36.

¶¶ Originalia,
6 Edw. II.

Rot. 12.
Linc.

** Rot. Pat.
4 Edw. II.
m. 15. p. 2.

†† Chr. Jur.

‡‡ Esch.
13 Edw. II.
n. 4.

§§ Original.
13 Edw. II.
Rot. 3. ult.
Trent.

This person obtained great eminence and preferment in the reigns of Edward I. and II. He was chamberlain of Scotland the 33 Edw. I.,* in which year, by that description, he had summons personally to attend the parliament at Westminster. He was also constituted chancellor of the Exchequer the 1 Edw. II.†; treasurer to the king, 3 Edw. II.;‡ and, in the 8th of the same reign, § chancellor of the kingdom.

In the 7 Edw. II. he had a license for free-warren, with wreck of the sea and other liberties, || at his manor of Great Cotes, in Lincolnshire; having the year before, ¶ in consideration of one hundred marks, had a grant of a certain messuage with the appurtenances, at Thornbriggate, in the suburb of the city of Lincoln, to hold to himself and his heirs. Moreover, he had in 4 Edw. II.** a patent to embattle his mansion-house at Wheatele, in the county of York.

This distinguished lawyer, statesman, and ecclesiastic, who is said to have been, first, canon of York, and afterwards bishop of Winchester, †† died about 13 Edw. II., ‡‡ for in that year the king's escheator had command to take into his hands §§ the lands whereof the said John de Sandale had been seised at the time of his death.

SAUNFORD or SANFORD.

This is the name of a family, whereof, in very early times, there were several eminent persons; though how, or if at all, related to each other, does not appear.

||| Matt. Par.
p. 84. l. 17.

¶¶ Ibid.
p. 345. l. 62.

*† Ibid.
p. 717. l. 52,
et seq.

Henry Sandford was archdeacon of Canterbury, and in 1227 ||| (11 Hen. III.) was elected bishop of Rochester, which see he enjoyed till about 1235, when he deceased ¶¶ the 6th of the calends of March.

Nicholas Sandford was a person, according to Matthew Paris,*† not so memorable for his wealth, as famous for his valour. He flourished in the reign of Henry III., and died the 13th of the calends of February, anno

1252,—his death being caused, as it is said, by grief* for the loss of his beautiful sister Cecilia (^{4h}).

But the most eminent branch of this name was—

John de Sanford, who, in the time of king John,† held the manors of Hormade, Wolmerston, Fingreth, Ginges, and Nuthamstede, by serjeanty of service in the queen's chamber; by which service,

† Lib. Rub.
Scacc. fol.
137.

Gilbert de Sandford held the said manor of Hormade, called ‡ Magna-Hormade, with Fingrie, Ginges, and part of Wulfelmeston, (⁴ⁱ) in the time of Henry III., about the 34th of whose reign he deceased; for then § Fulk, bishop of London, for a fine of one thousand marks, obtained the custody of the lands and marriage of *the heirs* of the said Gilbert de Sandford. From this description of *heirs*, it is to be inferred that he had more than one daughter, though only one is mentioned by Dugdale|| and other authorities. This daughter; *viz.*

‡ Lib. Fœd.
V. II. p. 243.
Ess. & Hert.

§ Originalia,
34 Hen. III.
Rot. 3.
Essex.

|| Dug. Bar.
Vol. I.
R. Brooke,
&c. &c.

Alice de Samford, married Robert de Vere, earl of Oxford, and by virtue of her inheritance, carried the office of chamberlain to the queen into the Vere family, which before was the king's hereditary great chamberlain.

From thus obtaining the Samford estate, the subsequent Veres, earls of Oxford, added the title of Samford to their baronial honours; but with what degree of propriety, is somewhat questionable. There is no record to demonstrate that the Samfords were ever summoned to parliament as barons, or that they held their lands in capite of the crown, *per baroniam*; and the mere *serjeanty of the bedchamber* is no proof that the manors to which that serjeanty was attached, were ever erected into an hereditary baronial dignity: and, indeed, Dugdale's total silence of the Samford family, in his Baronage, adds considerable weight to the argument, that the said family were never peers of the realm.

(^{4h}) A Nicholas Sanford, in the time of Henry III., held one knight's fee of Richard, earl of Cornwall, at Aston-Sanford, county of Bucks.—Lib. Fœd. Vol. II. p. 172.

(⁴ⁱ) Wulfelmeston est de s̄ jantia p'tinet ad Thalam' Regine & val' xl: & eam tenet Cecilia de Saunford de dote—Lib. Fœd. Vol. II. p. 247.

But, though this principal branch of the Samford family terminated in female issue, there was another line, whereof

* Dug. Lists
of Sum.

Thomas Saunford was one of those who, 24 Edw. I., had summons* to attend at Newcastle-upon-Tyne, well furnished with horse and arms, for an expedition into Scotland, and to obey such orders and directions, as by the great council, which was commanded there to assemble, might be ordained: but, on this occasion, he is not mentioned in the capacity of a baron. He probably is the same who died 27 Edw. I.,† leaving Alda, his sister and heir,‡ to his lands in the counties of Chester and Devon.

† Esch.
27 Edw. I.
n. 17.

‡ Originalia,
27 Edw. I.
Rot. 5.
Cestr.

As before observed, the connection of the several Samford, or Sanford, names with each other, is not established, nor their original descent ascertained. (4k)

§ Hearne's
Lib. Nig.
Vo. I. p. 181.
Berks. Dry
Sandford.

Jordan de *Sandford*, 12 Hen. II., upon the assessment of aid for marriage of Maud, the king's daughter, was certified§ by the abbot of Abendon (Abingdon), to hold four knights' fees de veteri feoffamento; when, also, Galfridus de *Samford* was certified to perform, along with eight others, the service of one and a half knight's fee, holden of the same abbey. This Jordan was perhaps the more immediate ancestor to Gilbert de Samford, of Hormade; and the same person also, who, in the said 12 Hen. II., held|| one knight's fee of the bishop of Ely, in Cambridgeshire.

|| Ib. p. 249.
Cantab.

¶ Lib. Fœd.
V. II. p. 531.
Berks.

A Thomas de Samford was tenant to the abbey of Abendon for one knight's fee, and, as such, may be considered to be of Jordan's family. This knight's fee, in the time of Henry III., was holden¶ in dower by Alicia de Samford, as of the inheritance of the said Thomas, at Chilton and Pubbeworthy; at which period,

(4k) According to Hutchins, in his History of Dorsetshire (Vol. I. p. 509), there was an eminent family named Samford, at Melbury, in that county; whereof John Samford, lord of Melbury-Samford, had issue Laurence, whose daughter and heir Alda, or Ada, married sir Walter Foliot, of Melbury-Osmund; whose daughter and heir Alice, married John Maltravers, junior. But Hutchins states further, that Dr. Guidot cites a record, which says, that Laurence Samford left a daughter Joan, who married Maltravers; and that the said Laurence Samford was kinsman to Alda, sister and heir to Thomas de Samford, above mentioned; which Alda died circ. 4 Edw. III.—Esch. n. 6. Cestr.

John de *Samford* held in *Samford*, the sixth part of a knight's fee of the barony of the said abbey of Abendon.

SAUNZAVER. (22 Edw. I.)

Ralph Saunzaver, (⁴¹) or Sanzavier, 12 Hen. II., upon the assessment of aid for marriage of the king's daughter, certified* that he held one knight's fee of the king in capite, in the county of Devon; after whom, another

Ralph Saunzaver had a license† for free-warren at his manor of Sparte-grave, in Somersetshire, and at Biggeneure, with the hamlet of Rogate, in Sussex. This Ralph is probably the same who, in 45 Hen. III., had summons‡ to attend the parliament convened to meet at London in that year; but to which, according to Hollinshead,§ the barons refused to attend. When he died, there is no mention; but

Hugh Saunzaver, 12 Edw. I., appears to have died|| possessed of the estates at Spartegrave, Biggenoure, and Rogate, before mentioned; to whom succeeded

Ralph Saunzaver, his son, according to Collinson,¶ who settled a great dispute respecting certain lands appertaining to his manor of Saunzaver, in Somersetshire, with the abbot of Glastonbury. This Ralph, though unnoticed by Dugdale in his History of the Nobility, is mentioned by him in his Lists of Summons to Parliament, where his name is among those who, in the character of barons, were summoned the 22 Edw. I., to attend the king to advise on the affairs of the realm, though no place of meeting was appointed in the writ.** He died the 8 Edw. II., being then seised with Christian his wife†† of Biggenore, in Sussex; Gratisden, in Huntingdonshire; and Croxton, in the county of Cambridge. He had issue another—

* Hearne's Lib. Nig. Vo. I. p. 130. Devon.

† Cha. Rot. 46 Hen. III. m. 1.

‡ Claus. 45 Hen. III. m. 3. Dors.

§ Hollinsh. V. II. p. 454, new edit.

|| Esch. 12 Edw. I. n. 18.

¶ Collins. Somerset, V. III. p. 467.

** Cla. Rot. 22 Edw. I. In Dorso. m. 8.

†† Esch. 8 Edw. II. n. 52.

Originalia, Rot. 7.

(⁴¹) This family is recorded to have been of very early note, inasmuch as Matthew Paris (p. 20 and 21) recites, that Walter *Sensavior* was one of the first Crusaders, anno 1096, but afterwards miserably perished in that expedition of holy infatuation.

Ralph Saunzaver, but he never was noticed in the same baronial capacity as his father.

SPIGURNEL. (8 EDW. II.)

* Cha. Rot.
9 Joh. m. 7. Godfrey Spigurnell, in the 9th of king John, had a grant* to himself and his heirs of lands at Skeggebye, in the county of Nottingham; whereof a

† Ibid.
11 Hen. III.
m. 9. Geffery Spigurnell was afterwards possessed,† from whom, it may be presumed that the said manor of Skeggebye descended to

‡ Esch. n. 3. Edward, or Edmund Spigurnel, who, 24 Edw. I.,‡ was found to have died seised thereof, as also of the manor of Standon, in Essex; of both of which,

§ Originalia,
24 Edw. I.
Rot. 10. John Spigurnel, as brother and heir, had livery in the same year. § He died 2 Edw. II.,|| and was succeeded by his son, another

|| Esch. n. 22. Edmund Spigurnel, who did not survive long, deceasing the 8 Edw. II.,¶
¶ Esch. n. 16. seised of the manors of Skeggebye and Standon. He had issue John, his son and heir, who had issue a daughter Joane, his** heir.

** Harl. MS.
294. p. 58. Henry Spigurnel, brother to the last Edmund, in the reign of Edw. I. & II. was one of the justices of the King's Bench, and on divers occasions, in such capacity, had summons to parliament; but in the 8 Edw. II.,†† his name was included in the same writ, *cum cæteris magnatibus et proceribus*, whereby the earls and barons were summoned to a parliament to be holden at York, on the morrow of the Nativity of the Virgin Mary. It may be observed, that although some of the justices were intermixed with the earls and parliamentary barons, yet the whole of the judges and king's counsel, usually summoned *as such*, are not included in this writ; so that it may remain a question, whether those judges whose names are mentioned, were not intended to be advanced to the degree of barons.

†† Esch.
2 Edw. III.
p. 28. This Henry deceased 2 Edw. III., being possessed of a very considerable estate in several counties,‡‡ leaving Thomas his son and heir, who the same year had livery §§ of his father's lands.

§§ Original.
2 Edw. III.

Morant, in his History of Essex,* gives the Spigurnel arms Quarterly G. and O.; in the second and third quarters, a Fess of the first. *V.I.p.148.

Of this name was Ralph Spigurnel, admiral of the North and West coast, 38 Edw. III.†

† Otho E ix
Bib. Cott.

STAFFORD. (35 Edw. III.)

At the great council, which was convened to assemble at Westminster in 35 Edw. III., to take into consideration the affairs of Ireland, and at which the heirs of Camville, holding lands in that kingdom, were specially required to attend.

James de Stafford was one of those who were then† summoned. With regard to this James, no mention is made of him by Dugdale in his account of the Stafford family, although he has therein§ noticed, that, Richard a younger son of Edmund, lord Stafford, married the heiress of Camville, of Clifton; which Richard appears|| likewise to have been summoned at the same time.

† Dug. Lists
of Sum.

§ Ib. Baron.
Vo. I. p. 159.

|| Dug. Lists
of Sum.

STAUNTON. (8 Edw. II.)

Henry, (^{4m}) or Hervey de Staunton, 34 Edw. I., was made¶ one of the justices of the Common Pleas; in which situation he was confirmed** on the accession of Edward II.; in the 10th of whose reign he was appointed†† chancellor of the Exchequer, and afterwards‡‡ chief justice of the Common Pleas and King's Bench. §§ (⁴ⁿ) He had summons to divers parliaments, as one of the king's justices; but in 8 & 9 Edw. II., in those parliaments which were convened to meet at York and Lincoln, he had

¶ Rot. Pat.
34 Edw. I.
m. 27.

** Ibid.
1 Edw. II.
m. 21.

†† Ibid.
10 Edw. II.
m. 35.

‡‡ Ibid.
17 Edw. II.
m. 9.

§§ Ibid.
20 Edw. II.
m. 29.

(^{4m}) I the record appointing him a justice, he is named *Henry*, and not *Harvey*.

(⁴ⁿ) In the Patent Rolls, he is written *Henricus* de Staunton; in Dugdale's Lists of Summons; and the Chronica Juridicalia, *Hervicus* de Staunton.

* Dug. Lists
of Sum.

† Ibid.
9, 11, 12,
13 & 14
Edw. II.

† Ibid.
9 Edw. II.

summons* among the barons of the realm ; for, in the said writs, the justices and the nobles were intermixed. It should also be observed, that in several of the following parliaments, in some of the succeeding years, the peers, and the king's justices and counsel, were summoned† by the same writ. But it is worthy of notice, that, in the summons of 9 Edw. II., the name of Hervey de Staunton is twice mentioned ;† viz. first, *among the barons*, and, afterwards, among *the king's justices*.

The family of Staunton was of great antiquity and respectability in Nottinghamshire ; of which, Thoroton, in his history of that county, observes, “ There is a certain kind of rhyming bard-like pedegree of this family, made by one *Robert Cade*, (who did the like for the family of Skeffington, and 'tis like for some others;) in this, he hath transcribed the epitaphs out of this church, and therefore, it may not be much amiss to insert so much of it as brings the descent down to this eminent judge, who died without issue.”

In this pedigree it is to be observed, that he is named *Henry*, and not *Harvey*.

THE STAUNTON'S PETYGREWE.

O champion cheefe, and warlike wight,
Of Staunton's stocke the pryme,
The and thy sequele I must blase,
And petygrewe define.

Though Haroldes they in noble sorte,
Thy arms not pende in vaine,
Yet somethinge wants that here is writte,
As barks, and toubmes shewe plain.

The first Sir Mauger Staunton, knight,
Before Wylliam came in,
Who this realme into one monarche
Did conquer it, and win :

At which sometime this Mauger knight
Thrughe feats of arms, and sheeld,
In marcyall prowess so valeant was,
That then he wanne the feelde.

In Belveor castle was his houlde
That Stauntons towr is higte,
The strongest forte in all that front,
And hiest to all mens sighte :

Unto which forte with force and flagge
The Stauntons stocke must sticke,
For to defende against the foe,
Which at the same could kicke.

His lodgeinge large in that turrette
At all times for his ease,
He may command both night and day,
And no man to displease.

And therefore Staunton's manor nowe,
Whiche in Staunton doth stande,
Of Belveor castle is now helde
By tenure of the lande.

This Staunton knight got sure to wife
One Emme of worthy fame,
Also a son that knighted was,
Which Mauger had to name.

Which last Sir Mauger took to wife
Beatrix both sage and wise,
As valeant as his father was
In every enterprise:

Whiche lady Beatrix, daughter was
To him that then was lord
Of Belveor castle, (in the vale,)
As tombes and arms accorde:

Whiche two Sir Knights cross-legged lieth
In male and armoure fine,
Theire superscriptions worne away,
Theire deaths are without time;

Yet warlike wightes with helmes on heades
In Staunton's church doth lie,
Their soules; no doubt for nobler actes
Ascend the skies on hie.

Before his death this last knight got
Two sons, William and John,
And also with man-hood and strengthe
The barre pasture he won.

The Belveor lorde said it belong'd
To Northampton trulie,
But this knight seasde did die thereof
As his demesne in fee.

Sir William Staunton, knight, was next,
Dame Athlin was his wife,
Sir Geoffrey Staunton, knight, their heire,
Both voide of vice and strife.

And Sir Henrie his brother was,
Who gave himself to learne,
That when he came unto man's estate,
He could the lawes discerne:

And in the same went forward still,
And profited much, I know,
At ynnnes of courte a counsailer
And serjeant in the lawe:

And in processe of time indeed
A judge he came to bee
In the common benche at Westminster,
Such was his high degree:

A baron wise, and of great wealthe,
Who built for scholers gaine
Saint Michaels house, in Cambridge towne,
Good learninge to attaine:

Which deed was done in the eighteenth yeare
Of Second Edward king,
One thousand three hundred twenty-foure,
From whom they pray and singe;

In which said house the Stauntons may,
Send students to be placed,
The founder hath confirmed the same,
It cannot be defaced.

This lord baron no yssue had,
We cannot remember his wife,
Nor where his body tombed was,
When death did cut off life.

Sir William the father is tombed sure
In Stauntons church of olde,
And hath engraved upon his stone,
Verbatim to behoulde:—

“ Hic jacet Wilelmus de Staunton, miles, et filius
Maugeri de eadem, militis, qui obiit ultimo Maii;
Cujus animæ propitiatur Deus, Amen.”

STEYNGREVE. (22 EDW. I.)

This is the name of a manor in the county of York, as also of an ancient family, (⁴⁰) whereof,*

* Testa de
Nevil,
V. II. p. 644.
Ebor.

Simon de Steyngreve held two knights' fees, and a fourth part of the barony of Hugh Paynel: at which time also,

† Ibid.

† Char. Rot.
41 Hen. III.
n. 2.

Henry de Steyngreve held † the eighth part of a knight's fee of the same barony; and 41 Hen. III. ‡ had a grant of free-warren at his manor of Steyngreve, or Staingrove; but the principal person of this name was

§ Dug. Bar.
Vo. I. p. 214.

John de Steyngreve, who married Ida, § one of the daughters of Ela de Beauchamp, wife of Baldwin Wake; which Ela, with her sisters Maud and Beatrix, were the daughters of William de Beauchamp, of Bedford, and the co-heirs to that barony. By virtue of this marriage, the said John de Steyngreve came to participate in the Beauchamp inheritance, and becoming thus seised of certain lands holden in capite of the crown, as parcel of that honour, had summons, among the barons of the realm, the 22 Edw. I., to that parliament || which was then convoked, but for which no place was mentioned in the writ for its meeting. But this John deceased in the following year, ¶ or about that period; for the king's escheator had then command** to take into his hands the lands whereof the said John had died seised; and shortly after, †† the king took the homage of Simon de Patshull, of the county of Bedford, who had married Isabel, the daughter and heir of the same John de Steyngreve; which Simon died shortly after, ‡‡ and the said Isabel afterwards married Walter de Teye, §§ who in her right had summons to parliament from 27 Edw. I. to the 1 Edw. II.,

|| Dug. Lists
of Summ.

¶ Esch.
23 Edw. I.
n. 54.

** Original.
23 Edw. I.
Rot. 5.

†† Ibid.
Rot. 11.
Bedf.

‡‡ Esch.
24 Edw. I.
n. 66.

§§ Esch.
18 Edw. II.
n. 70.

(⁴⁰) Robert de *Stainegrave*, 12 Hen. II., held half a knight's fee of R. de Gant; and a William de *Stainsgrave*, the sixth part of a knight's fee of Everard de Ros.—Hearne's Lib. Nig. Scacc. Vol. I. p. 325. Ebor.

both inclusive; and 29 Edw. I. (^{4p}) was denominated "*Walterus de Teye, Dominus de Stangreve*."

Though the baronial line of this family thus terminated in an heir-female, the male branch,—or, at least, the name,—continued some time longer; whereof,

Robert de *Steyngrave*, 14 Edw. II.,* had committed to his custody the castle and honour of Tunbridge, with the manors of Eldyng and Rotherfield, in the county of Sussex, and of Bletchingfield and Okham, in Surrey. Also,

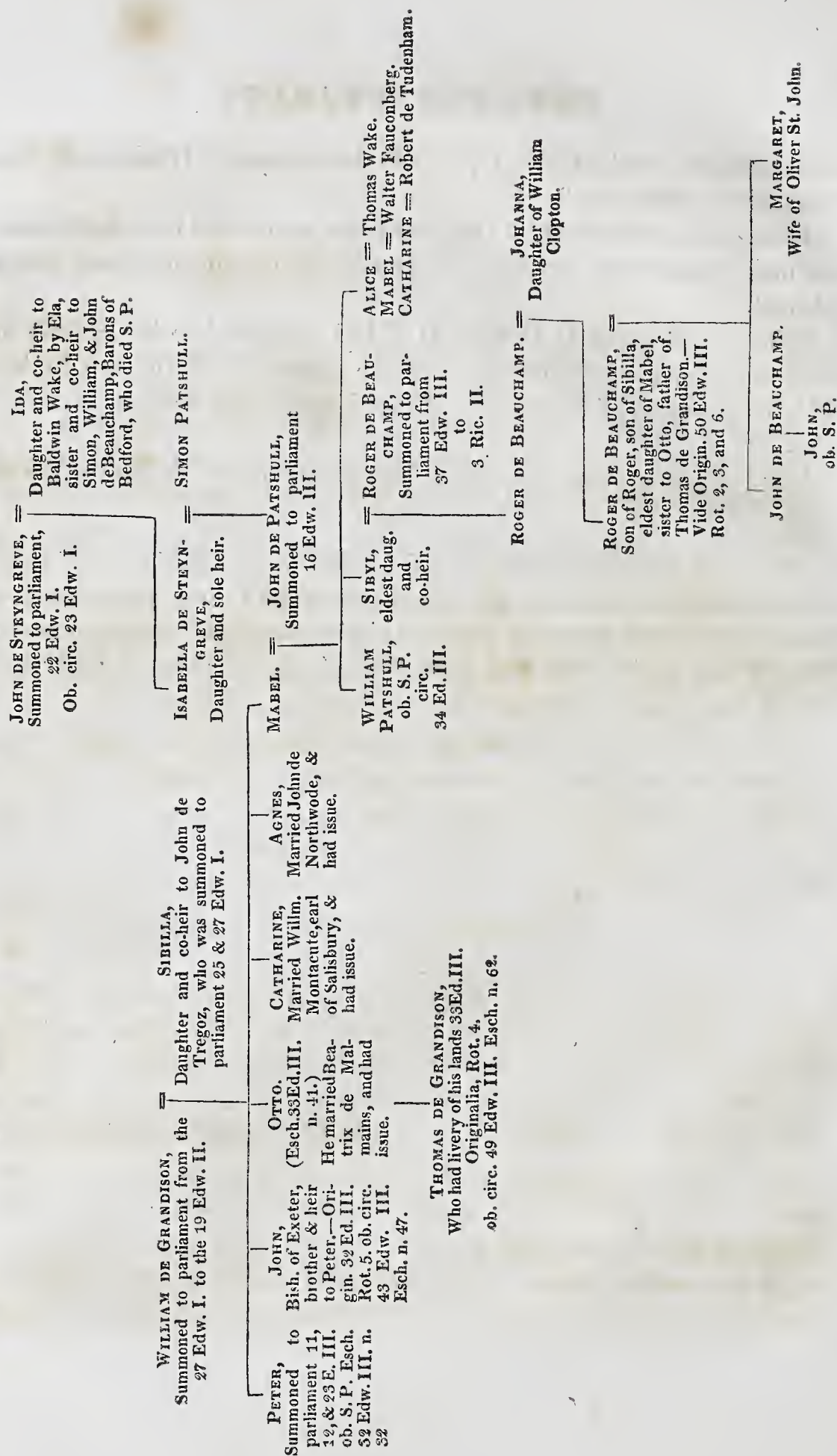
* Ibid.
14 Edw. II.
Rot. 9.

Adam de *Steingreene* was one of the barons of the Exchequer, in the reign of Edward III.†

† Rot. Pat.
6 Edw. III.
m. 18. p. 2.

(^{4p}) This was upon the occasion when, in the parliament at Lincoln, the said Walter de Teye was one of those barons who subscribed with their hands and seals the memorable letter addressed to the Pope, asserting the supremacy of Edward I. over the realm of Scotland.

STEYNGREVE AND PATSHULL OF BLETSHOE.



STOWEY. (24 Edw. I.)

Galfridus (or Geffery) de Stowey, 24 Edw. I., was one of those who had summons to attend the great council at Newcastle-upon-Tyne, well furnished with horse and arms. This Galfridus (or Geffery) de Stowey, is stated by Collins* and Edmondson† to have been the progenitor of the Stawell family, which afterwards were created barons of the realm by patent in 1683 (34 Cha. II.), but whose honour is now extinct in the male line.

* Edit. 1768.

† Baronag. Genealog.

He is set down‡ as son and heir of Matthew, eldest son and heir of Adam de Stowey (or Stawell), who, in the reign of Henry III., held § one knight's fee in the county of Somerset; as also lands in Norfolk; || and one hide of land in Waleton, ¶ in Berkshire, by the sergeanty of keeping the king's *door*, which land was of the value of fifty shillings.

‡ Ibid.

§ Lib. Fœd. Vo. I. p. 708.

|| Ibid. V. II. p. 342.

¶ Ibid. Vo. I. p. 480.

The said Geffery de Stowey (or Stawell) married Joan, daughter and at length heir of John de Columbers, a baron of considerable eminence, of whose family Dugdale has made mention.

SULEY. (26 Edw. I.)

John de Suley (*so written*) is noticed by Dugdale,** as one of those persons denominated barons, who, 26 Edw. I. had summons to attend *equis et armis*, at Carlisle. As also in the 28th, to attend a parliament at London and at Lincoln. Moreover, 29 Edw. I., he was one of those great men who, in the parliament at Lincoln, subscribed that memorable letter, sent by the nobility of England to the Pope, asserting the king's supremacy over the realm of Scotland; on which occasion his name is thus written: *Johannes, Dominus de Sulle*. †

** Dugd. Lists Sum. p. 21.

† Ibid.

By the name of *John de Suley*, he is also recited in the several parliaments‡ of the 30 & 32 Edw. I.; but, in the writ of the 33rd of the same

‡ Ibid.

reign, the name is written, *John de Sudley*. This circumstance leads to a presumption, that the person so summoned was John de Sudley, lord of Sudley Castle, in the county of Gloucester; and that the previous statement was a *misnoma*. Indeed, Dugdale, in his account* of the Sudley family, states that the said John had summons to Carlisle in 26 Edw. I., but makes no mention that he was one of those who was in the parliament of Lincoln the 29 Edw. I., on the occasion before mentioned, as there appears to have been two families; viz. *Sully* and *Sudley*, cotemporary with each other, the mistake of one for the other might easily occur, though it leaves the point rather uncertain, as to which was the identical one meant at the several periods referred to.

* Dug. Bar.
Vo. I. p. 429.

Dugdale having omitted the family of *Sully* in his Baronage, it may not be here irrelevant to observe, that the name of

Reginald de Sully occurs as one of those famous persons who assisted Robert Fitz-Hamon in his conquest of Glamorganshire, and, for his services, was rewarded† with the castle and manor of *Sully*. After him,

† Ibid.
p. 406.

‡ Mag. Brit.
p. 488,
Devon.

John de Sully is noticed‡ as a man very renowned in the Holy Land against the Saracens, where he remained several years, but at length received many wounds, and returned to England, where he died, at his seat of Iddesley, in the county of Devon, and was interred at Crediton, under a tomb erected to his memory, with his figure in full proportion, cross-legged.

§ Lib. Fœd.
V. II. p. 841,
Devon.

Reymund de Sully, in the time of Henry III., § upon the collection of the aid for the marriage of the king's sister to the emperor of Germany, was assessed eleven marks and eight shillings, for those five knights' fees, and certain aliquot parts which he held of the barony of Torrington, which had come to his possession by marriage with one of the five co-heirs of — Fitz-Robert, baron of Torrington, in the county of Devon aforesaid.

¶ Originalia,
26 Hen. III.
Rot. 4.
Devon.

To this Raymond succeeded

¶ Esch.
14 Edw. I.
n. 1.

Walter de Sulley, who the 26 Hen. III. ¶ had livery of those lands whereof the said Reymund had died seised. This Walter deceased about 14 Edw. I., being then ¶ possessed of a fifth part of the barony of Torrington before mentioned.

** Original.
11 Edw. I.
Rot. 2 & 18.

He, or another Walter, married** Mabel, one of the four daughters and

co-heirs of Roger de Somery, by Nicholaa his wife, one of the sisters and co-heirs to Hugh, the last Albini, earl of Arundel; and by the said Mabel, who deceased 5 Edw. II.,* had issue two daughters, Sibilla and Nicholaa; as also a son,

Raymund de Sully, who died about 10 Edw. II.,† being then seised ‡ of his mother's inheritance at Barewe and elsewhere, in the county of Leicester. The name of his wife is not expressed, but he is stated to have had a daughter Elizabeth, who died without issue.§

Besides the persons before mentioned, there was another of considerable note; viz.

Henry, styled *Dominus de Sulle*, who, in the reign of Edward II., was appointed|| governor of the islands of Guernsey, Jersey, Alderney, and Sarke; and, in the 18th of the same reign, was constituted¶ the king's ambassador to France and other countries.

* Originalia,
5 Edw. II.
Rot. 10.

Esch. n. 12.

† Ibid.
10 Edw. II.

Rot. 16.
Leyc.

‡ Esc. n. 52.

§ Glover's
Collections
MS. in Coll.
Arm.

|| Rot. Pat.
16 Edw. II.
m. 5. par. 2.

¶ Ibid.
18 Edw. II.
m. 35.

SYWARD. (26 EDW. I.)

Richard Syward, 26 Edw. I., was one of those who then †† had summons to attend a great council at Carlisle, furnished with horse and arms; on which occasion he is denominated a baron.‡‡ But, excepting at this period, and in the following year to the same place,§§ the name of Syward is not noticed as of baronial consideration, or in any of the lists of summons to parliament, or of the great councils of the nation. (^{4q})

If the name be viewed with reference to the great Syward,||| the Saxon earl of Northumberland, it is of most noble and ancient degree; but the descent from that famous person is by no means deduced.

†† Dug. List
of Sum.

‡‡ Cla. Rot.
26 Edw. I.
in dorso.
m. 6 & 5.

§§ Ibid.
27 Edw. I.
in dorso.
m. 12 & 14.

||| Dug. Bar.
Vo. 1. p. 4.

(^{4q}) In the Wardrobe account of 28 Edw. I., there is mention made of a Richard Syward, therein termed a Banneret, who, from the date, may be concluded to be the same person as named in the aforesaid writs of summons, and, perhaps, the same who married Philippa, one of the three daughters and co-heiresses of Thomas Bassett, of Hedendon; which Philippa had been before married to Henry, earl of Warwick.

William, the son of *Siward*, 12 Hen. II., upon the assessment of aid for marriage of Maud the king's daughter, certified* that he held in his own demesne a certain village called Goseford, and half of another called Mileton, in the county of Northumberland, by the service of one knight's fee, *de veteri feoffamento*.

Subsequent to this æra, Matthew Paris mentions† a Richard *Sward*, who, in the reign of Henry III., was a very martial person, and during that troublesome æra, made‡ a conspicuous figure.

In 1236, along with Richard, earl of Cornwall, and many *other noble persons*,§ he was signed with the cross for an expedition to the Holy Land; after when, he died,|| anno 1248 (33 Hen. III.) He very probably was father to Richard before mentioned, 26 Edw. I., and to Thomas Sward, who, by Matthew Paris, is represented¶ *juvenis in militia præclarus*.

But the first progenitor of this family, most likely was the same

Richard Siward, who was one of the twelve knights who accompanied Robert Fitz-Hamon in his conquest of Glamorganshire, and was rewarded by him** with the castle and lordship of Calavan, or Talavan.

* Dug. Bar.
V. I. p. 406.

* Hearne's
Lib. Nig.
Scacc.
Vo. I. p. 333.

† Matt. Par.
p. 326. l. 49.

‡ Ibid.
p. 334. l. 62.

§ Ibid.
p. 364.

|| Ibid.
p. 645. l. 26.

¶ Ibid.
p. 329. l. 53.

THORPE. (2 Edw. II.)

This is the name of a very ancient family in the county of Norfolk, so denominated, from the manor of Thorpe, in the Hundred of Depwade^(4r); whereof,

* Vo. II. p. 5. (4r) The History of Norfolk states,* that soon after the Conquest, the manor of Thorpe belonged to one William, sometimes distinguished by the addition of Norwich, where he lived; and that Roger, mentioned in the Testa de Nevill,† was his son, who was succeeded by Robert therein, called Fitz-Roger, who then held seven knights' fees in Thorpe, Massingham, Anmer, and elsewhere of the honour of Bononia, or Boulogne. He was sometimes styled Robert de Massingham,‡ as was Hugh his son, who was father of John de Thorpe above mentioned.

† Testa de
Nevill,
V. II. p. 272.

‡ Hist. Co.
Norf. ut
antèa.

Arms: Checque, Or. & G. a Fess, in a border Arg.

Az. three Crescents, Arg.

Sir John de Thorpe.

Sir Robert de Thorpe.

John de Thorpe was lord, as also of Fundenhall, Wrenningham, Bunwell, and of divers other manors in the said county. He married Margaret, daughter of Robert, and sister and at length co-heir* to Bartholomew, lord of Creak and Hillington in Norfolk, and of Combes in Suffolk. (^{4s})

* Collins's
Parl. Prec.
p. 390.

Robert Fitz-John de Thorpe, their son and heir, succeeded to the inheritance, and the 51 Hen. III.† had a charter of free warren for his demesne lands at Thorpe, Massingham, and Fundall, in Norfolk; Coiton in Suffolk; and Sharpenhou, in the county of Bedford. He was one of the king's justices. ‡

† Cha. Rot.
51 Hen. III.
m. 7.

‡ Pat. Rot.
18 Edw. I.
m. 41.

§ Dug. Lists
of Summ.

|| Ibid.

¶ Esch.
17 Edw. II.
n. 61.

John de Thorpe, son and heir to Robert, was a person of great eminence, inasmuch as he had summons§ to parliament as one of the barons of the realm, from the 2nd to the 19 Edw. II., both inclusive; and in the 1st of the same reign, as one of the king's justices. || But though his name is thus included in the Lists of Summons of the 19 Edw. II., there is reason to suppose that he died the 17th ¶ of that reign, being then seised, with Alice his wife, of a moiety of the manor of Creak, the manors of Thorpe, otherwise *Ashwell-Thorpe*, (^{4t}) Massingham, Fundall, &c., in the county

(^{4s}) On the assessment of aid for the marriage of Maud, the king's daughter, 12 Hen. II.,* Hugh Bigot, earl of Norfolk, certified that Bartholomew de Crec (or Creke) held of him eight knights' fees. Parkin, in his *Topography of Freebridge Hundred and a Half*, states,† that Bartholomew, son of Robert de Creke, married Margery, daughter to Geffery de Anos, lord of Vphall and Netherhall manors, in Norfolk; and thereby acquired the same, together with the manors of Flixton and Helmingham in Suffolk, as appears from a pleading at Ipswich in the 24 Hen. III.‡ He had issue Robert de Creke, who died issueless, leaving Geffery his brother and heir, who also having no issue, John his brother became his heir; and he having no issue, Sarah his sister, wife of Roger Fitz-Peter Fitz-Osbert, became his heir; and she likewise dying without issue surviving, the inheritance fell to the Thorpes and the Valoines, as co-heirs, in right of Margaret and Isabel, daughters of sir Robert de Creke, sisters to Bartholomew, the father of Robert, Geffery, John, and Sarah de Creke, who died issueless, as before mentioned.

* Hearne's
Lib. Nig.
Scacc.
Vo. I. p. 283.
† p. 101.

‡ Placit. ap
Gippew,
24 Hen. III.
Rot. 29.

(^{4t}) According to the History of Norfolk,§ it seems, that *Ashwell* was anciently a hamlet in Thorpe, and belonged to a family which had its surname from thence; but at length sir John de Ashwell sold it to the Thorpes, who thereupon joined the name to that of their own manor; which, for distinction from other Thorpes in the same county, was afterwards denominated *Ashwell-Thorpe*.

§ Vo. II. p. 5.
Depwade.

of Norfolk, and divers knights' fees, as well in that county, as in Suffolk. Moreover, in the said year,* the king's escheator had command to take into his hands the lands which John-de Thorpe held at the time of his decease; (^{4u}) whereof an assignation of dower was made to Alice his widow, in the year following.†

* Originalia,
17 Edw. II.
Rot. 27.
Fin. Canc.
pars. 2.

† Dors. Cla.
18 Edw. II.

This John de Thorpe, 5 Edw. II., had a charter for the foundation of the free chapel of St. Mary, at Ashwell, for a chaplain to perform daily service therein to the inhabitants, and to pray for his own and wife's soul, as also for those of his ancestors and successors.

‡ Topog. de
Freebridge
Hun. p. 177.

Parkin asserts, ‡ that he was twice married; viz. first to Agnes, daughter of ———; and after to Alice, relict of sir William Mortimer; which Alice, as already observed, survived him.

Robert de Thorpe, son and heir of John, by Agnes his first wife, was about thirty years old at his father's death. He married Beatrix, daughter of sir Edmund Hengrave, and died circ. 1330, § (4 Edw. III.) leaving the said Beatrix surviving, who resided after his death at Massingham, which with North Creak, she held in jointure.

§ Esch.
4 Edw. III.
n. 34.

John de Thorpe, eldest son and heir to Robert, was fourteen years old at his father's death, and in ward to John de Clavinger. || He married Joan, who (with her sisters Lucy and Maud,) was one of the daughters and co-heirs to Roger Atte-Ashie. But he died in 1340, ¶ (14 Edw. III.) without issue, leaving the said Joan surviving, and Edmund de Thorpe his brother and heir,** who had livery of his inheritance accordingly. This

|| Original.
5 Edw. III.
Rot. 2. 4.
Norf. & Suf.

¶ Esch.
14 Edw. III.
n. 16.

** Origin.
14 Edw. III.
Rot. 20.

†† Hist. of
Norf.
Vol. VIII.
p. 24.

Edmund de Thorpe married Joan, daughter of Robert, and sister †† and heir to Thomas Baynard, who died seised of the manors of Colkirke and Gately, in the county of Norfolk. With regard to this lady, there was an endeavour to set her aside from the inheritance, on a suggestion of bastardy: but, on trial, bishop Bateman certified that she was legitimate. He died in 1393, (16 Ric. II.) and was buried in the chancel of Ashwell-Thorpe.

(^{4u}) Just before his death, he was joined with sir Edmund Bacon, to treat of a match between Alphonso, eldest son to the king of Arragon, and Joan, daughter to Edward II., the day of the treaty being fixed by the patent to be holden at the Tower, 29th February.—Rot. Pat. 18 Edw. II. m. 22. p. 2.

He had issue two daughters ; *viz.* Beatrix and Joan, and several sons ; namely, Edmund, his heir—John, to whom he gave all his lands in Suffolk—and Robert, on whom he settled Bunwell ; which Robert, by Elizabeth his wife, had an only daughter and heir, Eleanor.

Sir Edmund de Thorpe, eldest son and heir of the preceding Edmund, was slain at the siege of Lover's Castle in Normandy, in 1417, (5 Hen. V.) being the same person, as it is presumed, who, by Hollinshed, is called the lord Thorpe. But his body was brought over and buried in the church of Ashwell-Thorpe, under a stately tomb, where both himself and lady lie ; their statues being at full length of white alabaster under a wooden canopy, ornamented with the Thorpe arms, and those of their respective marriages.

He was twice married : first, in October 1368, in the lifetime of his father, to Margaret, daughter and co-heir of Richard de la Riviere, by Maud his wife, sister and heir to John, son of John le Breton, lord of Sporle ; * secondly, to Joan, daughter and heiress of sir Robert (or Roger) de Northwode, relict of Roger, lord Scales of Neucelles.

* Vide Breton of Sporle

Sir Edmund left issue only two daughters, who were his co-heiresses ; *viz.* Joan, who married, first, sir Robert Ethingham, knight, and afterwards sir John Clifton of Buckenham, in Norfolk, by whom she had a daughter Margaret, who wedded sir Andrew Ogard, but died without issue.

Isabel, the other daughter, married Philip Tylney, of Boston in Lincolnshire, esq. ; by which means, the Tylneys, on the failure of issue from Joan Thorpe, came to the enjoyment of the Thorpe estate.

Frederick Tylney, eldest son and heir of Philip, married Elizabeth, daughter of Lawrence Cheney, of Ditton in Cambridgeshire, and had issue an only daughter Elizabeth, who became the wife of sir Humphrey Bouchier, eldest son and heir-apparent to John, lord Berners, in whose heirs-general the right to the barony of Berners, as also that of Thorpe (if any was created by the writs of summons temp. Edw. II.) is now vested.

Having thus terminated the account of the elder branch of this ancient and honourable family, there appears to be a younger line, not less deserving of notice. Of this line,

William de Thorpe, cotemporary with the first Edmund, and probably

* Rot. Pat.
16 Edw. III.
m. 13.

† Chr. Jur.

‡ Rot. Pat.
24 Edw. III.
p. 3. a tergo,
m. 3.

§ Ibid.

|| Ibid.
25 Edw. III.
m. 17.

¶ Ibid.
48 Edw. III.
m. 20.

** Dug. List
of Summ.

his younger brother (^{4w}) was one of the king's serjeants, and afterwards one of the judges of the Common Pleas.* Soon after which, he was constituted chief-justice of the King's Bench,† about 21 Edw. III. But in this post he was accused‡ of bribery and malpractice, though the king caused judgment to be suspended§ against him, and at length pardoned|| his transgressions, and restored all his goods, chattels, and estate.

The 48 Edw. III. he had a license¶ to embattle his manor-house, at Makesey in Northamptonshire; and had summons** to parliament from the 5th to the 14 Rich. II., both inclusive, among the barons of the realm. But if this William be the same person who was the corrupt judge in the 24 Edw. III., he must have been advanced very much in years at the time of the last-mentioned writ of summons.

As this family became heir to the territorial barony of Creke, it may not be inappropriate to refer to the said barony, and show the descent of it into the house of Thorpe.

* Chro. Jur.

† Ibid.

‡ Rot. Pat.
45 Edw. III.
m. 21.

§ Ibid.
37 Hen. VI.
m. 21.

|| Rot. Parl.
Vol. V. p.
227.

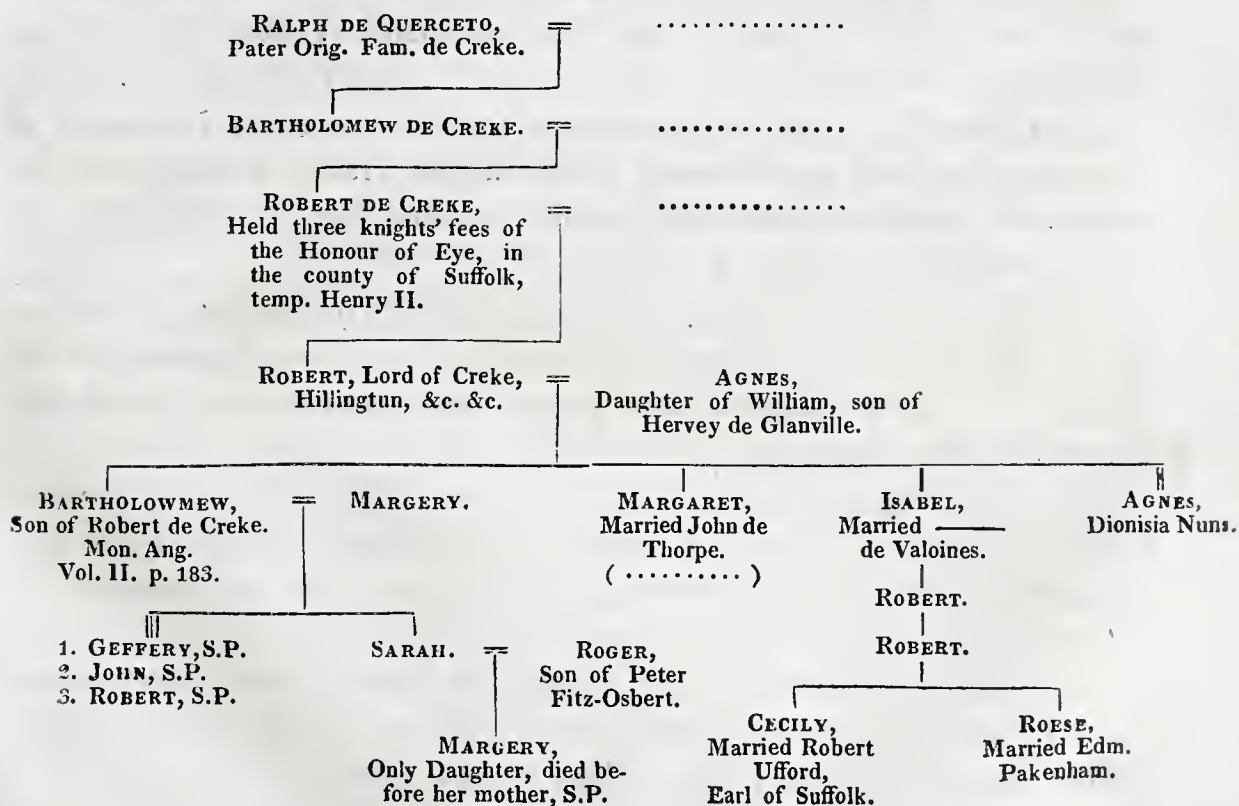
¶ Ib. p. 239.

(^{4w}) This William is stated to have had also a brother Robert, who was first one of the king's sergeants anno 1346;* afterwards, in 1357, chief-justice of the Common Pleas;† and, in 1371, (45 Edw. III.) chancellor‡ of the realm.

Of this name there was likewise another eminent person; viz. Thomas de Thorpe, who, 37 Hen VI., was one of the barons of the Exchequer.§ He was likely the same person who, 31 Hen. VI., was chosen speaker of the House of Commons,|| and afterwards imprisoned; on which occasion the House petitioned¶ for his liberation, according to their privileges; but the Lords would not consent, and directed the Commons to chuse a new speaker, who thereupon elected sir Thomas Charlton, knight.

CREKE.

This barony is one of the many which are unnoticed by sir William Dugdale, although he has mentioned divers others of far less magnitude and importance. It is one, which deserves the more attention ; inasmuch as, upon the failure of the male line of the Creke family, Fitz-Osbert, who married the heir-female of Bartholomew, the last Creke, had summons to parliament among the barons of the realm ; as had the family of Thorpe, before mentioned, descended from Margaret, one of the sisters of the said Bartholomew de Creke ; which Margaret, with her sister Isabel de Valoines, at length became the co-heirs to their brother Bartholomew, as aforesaid.



TREGOZ-HENRY (22 Edw. I.)

* Cha. Rot.
41 Hen. III.
m. 3.

† Ibid.
55 Hen. III.
m. 7.

‡ Dug. Lists
of Summ.

§ Ibid.

|| Char. Rot.
33 Edw. I.
m. 5.

¶ Ibid.
6 Edw. III.
m. 52.

** Cla. Rot.
1 Edw. II.
In dorso.
m. 12.

Henry Tregoz, 41 Hen. III., had a charter for free warren* at his manors of Garringes, Dodesham, and Waldrington, in Sussex; and in the 55th of the same reign,† had another charter for the like privilege, for his manor of Preston, in the said county of Sussex.

Of this Henry Tregoz, Dugdale is silent; yet it may be well imagined, if he was not the same person, that he was father of that Henry Tregoz who, 29 Edw. I., was one of those barons who had summons to that parliament at Lincoln,‡ where the nobles of the realm subscribed the letter to the Pope, respecting the king's supremacy over the realm of Scotland; at which time he was styled "Dñs de Garinges."

The name of Henry Tregoz is included in the Lists of Summons to Parliament in the 22 Edw. I., and from the 32nd of that reign, to the 16 Edw. II., inclusive:§ but it can scarcely be conceived, that the Henry who, 41 Hen. III., obtained the charter for free-warren at his manor of Garinges, &c., can be the same person as the Henry so summoned to parliament as before stated,—the period from that time to the 16 Edw. II. being (both inclusive) full sixty-five years.

In 33 Edw. I. || a Henry Tregoz had a license for free-warren at Wikenholt in Sussex; and in 6 Edw. III. the like privilege at the same place.¶ Now, if the whole related to one person, the space of time would then embrace seventy-four years.

But while Dugdale does not honour either Henry Tregoz, or Thomas hereafter mentioned, with any notice as parliamentary barons, yet in that character Henry Tregoz was summoned to attend at the coronation of Edward II.,** along with his consort.

According to Vincent, Henry Tregoz, of Sussex, was second son of Robert Tregoz, by Julian, daughter of William de Cantilupe; which Robert was son of Robert Tregoz, and Sibylla Ewias.

TREGOZ-THOMAS. (11 EDW. II.)

Thomas Tregoz, 11 Edw. II., had summons, *cum cæteris magnatibus et proceribus*,* to a parliament convened to meet at Lincoln, but which was afterwards prorogued to the morrow of the Holy Trinity, to meet at the same place, when he was again mentioned in the writ, summoning the peers then to attend.† But this proposed meeting of parliament was again put off, by reason the Scots had assembled a great army, and invaded the kingdom; wherefore, instead of attending parliament, the earls and great barons were called upon to bring their military quotas to York; and, in the summons of service on this occasion, the name of Thomas Tregoz is included among those of the peers of the realm.‡

* Cla. Rot.
11 Edw. II.
in dorso.
m. 12.

† Ib. m. 8.

‡ Ib. 2 & 3.

This service was prorogued, and another writ of summons issued for meeting at the same place, on the morrow of St. Bartholomew; and, in this writ, the name of Thomas Tregoz is again inserted§ with those of the earls and barons. Furthermore; he had a repetition of the like writs of summons along with the earls and barons, in 6th, 8th, and 9 Edw. III.||

§ Ibid.
12 Edw. II.
in dorso.
m. 30.

|| Dug. Lists
of Summ.

This Thomas had his lands in Sussex, chiefly, and, 5 Edw. III.,¶ had a charter for free-warren in his manor of Garringes, and at Preston, Ham, Bargham, Storeshton, Perham, Gretham, Waldrington, and Dodesham, all in the said county; likewise for Bageley in Kent: which indicates, that if not the son, he was the successor of Henry Tregoz in several of these manors, particularly Garringes, Dodesham, Preston, and Waldrington; for which, as before observed, Henry Tregoz had obtained a charter of free-warren in the reign of Henry III.

¶ Cha. Rot.
5 Edw. III.
n. 5.

TRIKINGHAM. (8 EDW. II.)

Lambert de Trikingham was a justice of the Common Pleas** in the time of Edward I., and was so continued on the accession of Edward II.†† He was afterwards one of the barons of the Exchequer, and in his

** Chr. Jur.
Rot. Pat.
34 Edw. I.
m. 27.

†† Ibid.
1 Edw. II.
m. 21.

* Dug. Lists
of Summ.

† Ibid.
9th, 11th,
12th, 13th, &
14 Edw. II.

† Testa de
Nevill,
V. II. p. 533,
et alibi.

§ Ibid.
|| Cha. Rot.
29 Edw. I.
n. 23.

¶ Ibid.
2 Edw. III.
n. 76.

** Esch.
3 Edw. III.
n. 73. p. 2.

capacity of one of the king's justices, had summons to parliament; but, in the 8 Edw. II.,* his name was included among those of the barons of the realm, by reason that the judges and king's counsel are in that writ promiscuously inserted with the peers. It, however, is to be remarked, that, in divers preceding years, the earls and barons were summoned to parliament,† by one and the same writ as the king's justices; and in those writs the name of Lambert de Trikingham is contained.

The family of Trikingham was of Lincolnshire, and denominated from a place of the same name, where it is recorded,‡ that Gilbert de Gaunt was seised of a fifth and a fourth part of a knight's fee in Trikingham and Walcot, which Hugh de Trikingham, and Maud his mother§ then held.

In 29 Edw. I.,|| Lambert de Trikingham had a charter for free-warren, at his demesne of Somerdebye in Lincolnshire; and the 2 Edw. III., had a grant¶ of a market and fair at Trikingham, in the county aforesaid.

Shortly after this, he had license** to endow the church of Helpryng-ham with certain lands there, and at Hale-parva, for the maintenance of a chaplain.

UVEDALE. (6 Edw. III.)

†† Cha. Rot.
32 Edw. I.
n. 64.

‡‡ Hist. of
Norf. Vo. II.
p. 159-60.
Depw.

§§ Cha. Rot.
35 Edw. I.
n. 50.

This name has been variously written—as, D'Ovedale, Uvedale. It has been a very numerous family, and possessed of considerable estates in several counties of England.

John de Uvedale, 32 Edw. I., had a charter†† for a market and fair; together with free-warren, at his manor of Tacolneston, otherwise called D'Ovedale, (^{4x}) in the county of Norfolk;‡‡ as also for free-warren, in his demesnes at Tichesey and Badnsted, in Surry. Moreover, 35 Edw. I., he had another license§§ for a market and fair at Tacolneston.

* Hearne's
Lib. Nig.
Vo. I. p. 235.

(^{4x}) Upon the assessment of aid for marriage of Maud, the king's daughter, 12 Hen. II., Richard de Luci then certified* that *Hugh, the son of Hamel*, held of him, in Tacolneston, one knight's fee; which Hugh is deemed, by the History of Norfolk, to have been the progenitor of the above-mentioned John D'Ovedale, or Uvedale,

This John was a great benefactor to the canons of Walsingham in Norfolk, and gave* to them his manor of Bedingham; upon which an inquisition *ad quod damnum* being taken, the jury presented, "That besides the manor of Bedingham, which John de Uvedale gave the canons of Walsingham: he, at that time, had his manor of Tacolneston, and several lands and tenements in Neuton-Flotman, to the value of 40*l.*, which would fully satisfy all customs and services, as well of the manor so given, as of the lands remaining in scutage, view of frank-pledge, aid, tallages, wards, fines, redemptions, amerciaments, contributions, and all emergencies; and that the said John might still be put on all assizes, juries, and recognitions as before the said gift, so that the country would not be more charged than before the said John had given the said manor." This statement may in a great measure show the reason for enacting the statute of Mortmain.

* Hist. of
Norf. ut
antea.

The aforesaid John de Uvedale deceased 15 Edw. II.,† being then seised of the aforesaid manor of Tacolneston, lands at Neuton-Flotman, with other lands in the counties of Surry and Cambridge. By Isabel his wife‡ he had issue Peter, his son and heir; which

† Esch.
15 Edw. II.
n. 26.

Peter de Uvedale, performing his homage, had livery of his inheritance the same year§ wherein his father departed this life. This Peter appears to be the same who, in the 6th, 7th, 8th, and 9 Edw. III.,|| had summons to divers parliaments among the barons of the realm; but after that period, he is no more noticed, nor any of his family, as of baronial rank. He married the lady Margaret Dinham, but died S.P., leaving John his brother and heir.¶

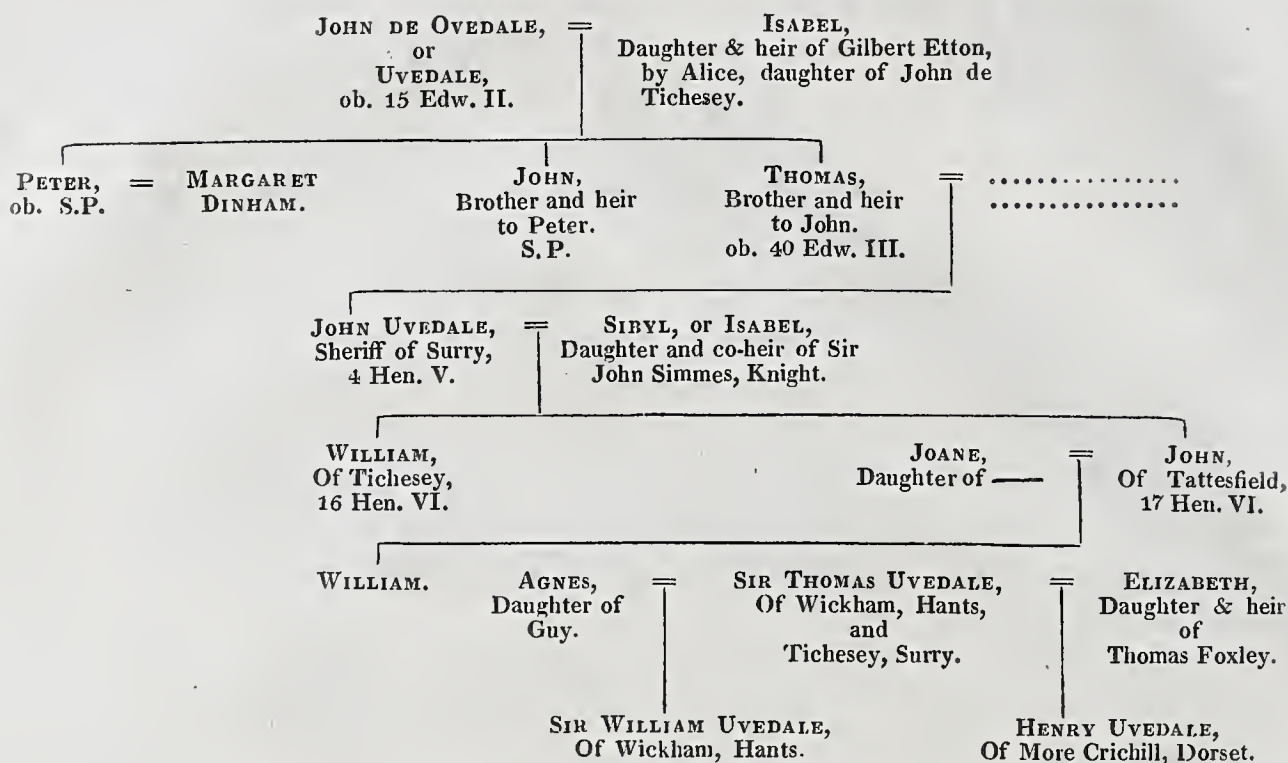
‡ Inq. ad
Quod Dam.
15 Edw. II.
n. 78.

§ Originalia,
15 Edw. II.
Rot. 17.

|| Dug. Lists
of Summ.

¶ Cla. Rot.
14 Edw. III.
p. l. m. 49.

BARONES REJECTI.



VEEL. (16 EDW. III.)

* Originalia,
10 Edw. III.
Rot. 5.

† Dug. Lists
of Summ.

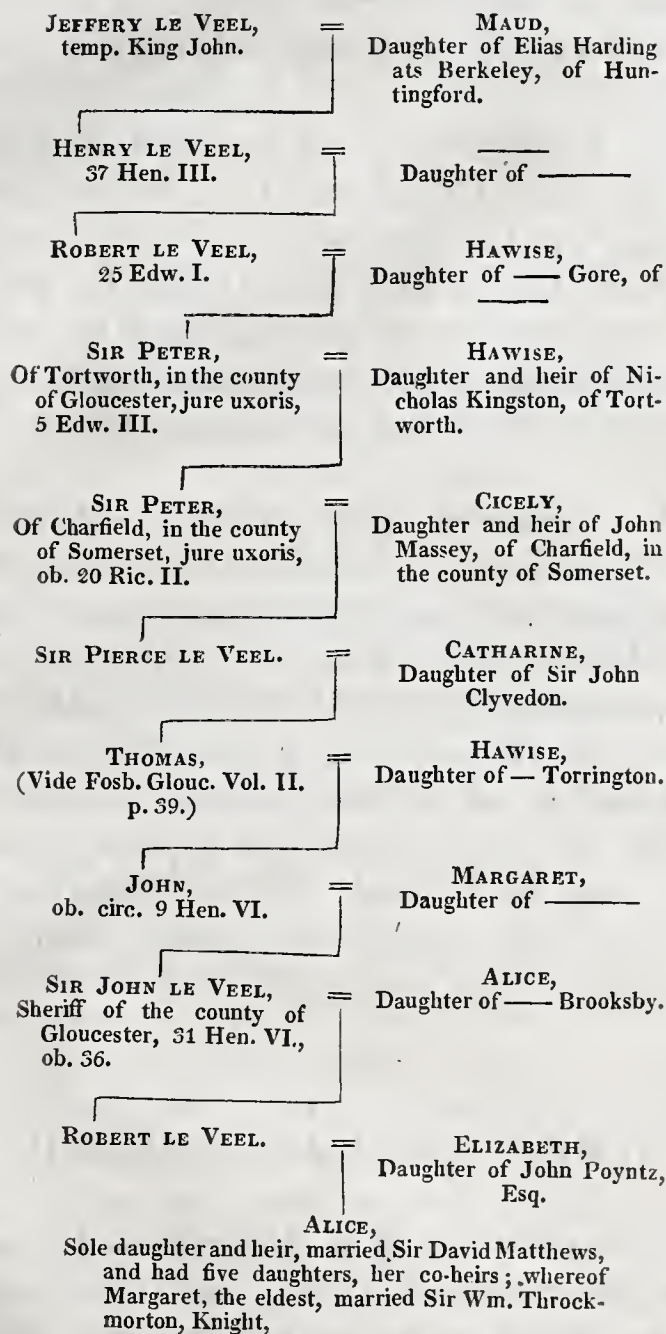
‡ Esch.
17 Edw. III.
n. 55.

§ Leland's
Itin. Vo. VI.
p. 45.

Peter le Veel, 10 Edw. III.,* had the custody of the county of Devon, and of the castle of Exeter, committed to his charge; and in the 16 Edw. III., was one of those who, in the character of a baron, had summons to a great council then summoned to meet;† but he died shortly afterwards, (47) being then seised, with Catharine his wife, of the manors of Tortworth and Charfield in Gloucestershire, Norton-Veel, juxta Taunton, in the county of Somerset; lands at Vele-halle in Devonshire; and the manor of Abbyngton in Wiltshire.‡

This family was of high reputation, and very great antiquity,§ as the following table of descent may show:—

(47) In Thyne's Chronicle, it is noticed that sir Piers de Veile, and Henry his son (most likely a younger one) were drowned in returning from the war in France anno 1343.



VERE, HUGH. (27 EDW. I.)

* Dug. Lists
of Summ.

† Ibid.

Hugh de Vere, a younger son of Robert, earl of Oxford, by Alice his wife, daughter and heir of Gilbert, called lord Sanford, was a very eminent person in his time, and had summons to parliament among the earls and barons of the realm, from 27 Edw. I. to 11 Edw. II., both inclusive.* In 29 Edw. I., he was one of those who subscribed the letter,† sent by the nobility of England to the Pope, touching the king's supremacy over the realm of Scotland, at which time he was denominated "Dñs de Swaneschaump."

In 21 Edw. I., he was in the wars of France; and, 24 Edw. I., he was sent one of the ambassadors, to conclude a truce with the French king; and was similarly employed the following year; when, for his good services, he had a special livery of the lands of William, the son of Warine de Munchensi; whose daughter and heir, Dionysia, he had married, though she was not then of full age; and, 32 Edw. I.,‡ he did fealty for her inheritance, whereof he had (as before mentioned) livery.

† Rot. Fin.
32 Edw. I.
m. 2.

§ Clau. Rot.
1 Edw. II.
in dorso.
m. 12.

|| Rymer,
Tom. III.
p. 52. 60.

¶ Esch.
7 Edw. II.
n. 51.

The 1 Edw. II., he was summoned, as a baron, to attend the king's coronation;§ as was also his wife, Dionysia,|| who died the 7 Edw. II., without issue; for then Adomarc de Valence, son of the lady Joane Valence, was found to be her next heir.¶

VERE, THOMAS. (15 EDW. II.)

Thomas de Vere, nephew to Hugh, before mentioned, and only son and heir-apparent to Robert, earl of Oxford, was of great note in the lifetime of his father, and served in the wars of Scotland. In 34 Edw. I., he received the order of knighthood, by bathing with prince Edward, the king's son. In 1 Edw. II., he attended at the coronation, being then styled Thomas de Vere, son and heir of the earl of Oxford.** In the 12 Edw. II., he was again in the wars of Scotland; and, 15 Edw. II., has

** Collins's
House of
Vere.

his name mentioned in the writ* whereby the earls and barons have their attendance to the parliament at Doncaster, forbidden. In the 18 Edw. II., he was guardian of the coasts of Essex. He married Agnes, widow of Pain Tiptoft, but died before his father,† without issue.

* Clau. Rot.
15 Edw. II.
in dorso.
m. 23.
† Esch.
5 Edw. III.
n. 71.

JOHN DE VERDON.

This person is totally unnoticed by sir William Dugdale, in his History of the Ancient Baronage of England; but his name nevertheless is contained‡ in the Lists of the Nobility of the realm, who had summons to parliament in the 6th, 7th, 8th, 9th, and 16 Edw. III.§

‡ Dug. Lists
of Summ.
§ Clau. Rot.
ejus. annor.

From what line of the Verdon family he was descended, is nowhere noted, inasmuch as no peerage-writers have made any mention of him. The first dynasty of the Verdons terminated in the principal male branch, about the reign of Henry III., in an heir-female, Roese de Verdon, who having married Theobald le Butiller of Ireland, gave her own surname to her issue; whereof Theobald, the last Butiller, otherwise called Verdon, died temp. Edward II., having had issue two sons, John and William, and divers daughters, who eventually proved his co-heirs. ||

|| Dorm. and
Ext. Peer.
Vol. II. tit.
Verdon.

But besides this house, there seems to have been a stock of the same name, which long continued in the male line, and flourished in the county of Norfolk. Of this stem,

William de Verdon was enfeoffed by Roger, father of Hugh Bygot, with six knights' fees, of which Brisingham¶ in Norfolk was reckoned as two. This feoffment was about the year 1100, if not before. After him, another

¶ Blomef.
Vol. I. p. 49.

William de Verdon was lord of Brisingham, and on the assessment of aid for marriage of Maud, the king's daughter, is named in the certificate of Hugh le Bigot as holding the said six knights' fees of him in the county of Norfolk.** To him succeeded

** Lib. Nig.
Vo. I. p. 284.

Bertram de Verdon, who lived at Brisingham,†† and was also lord of Moulton, whose son

†† Ib. p. 50

Wido, called also Hugh de Verdon,‡‡ gave king John 100*l.* that he

‡‡ Pip. Rot.
12 Joh.

might have license to marry Petronilla, widow of Henry de Mara, and also possess her lands.* His successor was

* Cart.
2 Hen. III.
m. 8.

Sir John de Verdon, knight, who settled Brisingham on himself for life; remainder to Thomas his son, and Thomasine his wife; and, in default of heirs, then to John another son, who, in 1280, inherited accordingly, and was a ward to the earl marshal; which last-named

John de Verdon, in 1285, claimed *view of frank-pledge, assize of bread, and ale, infangthef, gallows, and free-warren*, in his manors and lands in Norfolk; *viz.* at Brisingham, Multon-Magna, Saxlyngham and Reydon: all which privileges had been granted to his father by Henry III., as the charter then produced, evidently proved.

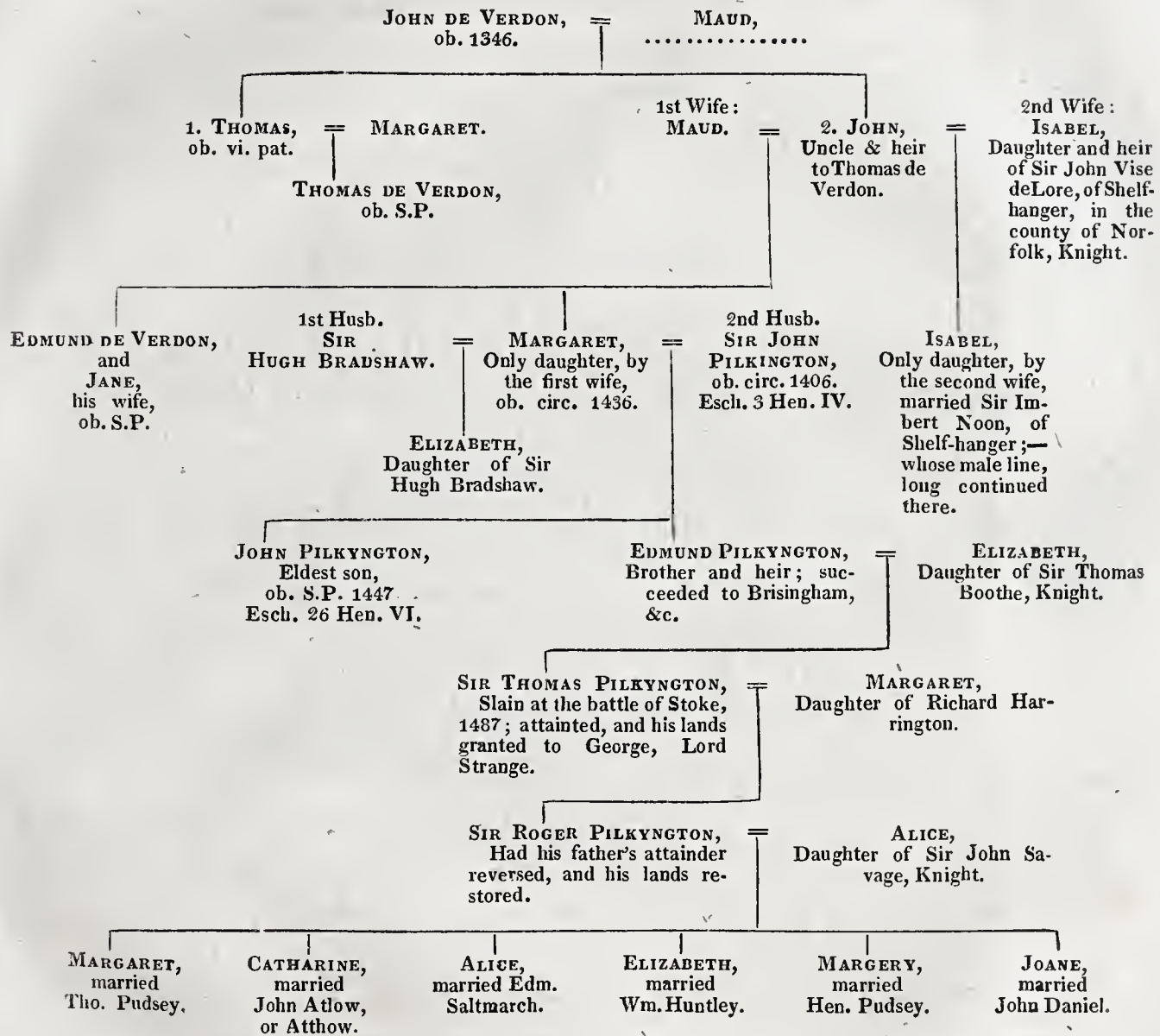
John de Verdon, his son and heir, held his lands in 1300 of the earl of Norfolk, as his predecessors had done, and died probably soon after, as

Thomas de Verdon, in 1302 and in 1306, held in Brisingham, Moulton, Saxlyngham, Aslacton, Tibenham, Hapeton, Shadnefield, and Forncet, eight knights' fees of the earl marshal. He died about the year 1315, leaving

Sir John de Verdon, his son and heir, who succeeded to the Norfolk estates, but removed his capital seat from Brisingham to Martlesham in Suffolk. He seems to have been a person of great hospitality, from the inventory† of the establishment he left at Brisingham, to treat his tenants, &c., whenever he should go thither to reside.

† Blomef.
Vol. I. p. 51.

He died in 1346, the 19 Edw. III., and from his considerable estate, consequence, and the æra, at which he lived, may be considered that John de Verdon, who had summons to parliament among the barons of the realm, in the 6th, 7th, 8th, 9th, and 16 Edw. III., as before observed. But the line of this eminent person at length terminated in female co-heirs, as the annexed table of descent will more particularly explain:—



WAKE. (24 EDW. I.)

* Dug. Lists
of Summ.

Ralph Wake, 24 Edw. I., had summons,* with other eminent persons, to attend a great council, to be holden at Newcastle-upon-Tyne, well furnished with horse and arms, and to consult upon the expedition then contemplated to be made into Scotland.

† Hutchin's
Dorset,
V. II. p. 340.
‡ Cha. Rot.
18 Edw. I.
n. 67.

This Ralph was a younger branch† of the Wakes, of Lydel, who were barons of great consideration; but how descended from, or connected with them, is not established. In the 18 Edw. I., ‡ he had a charter for free-warren in his lands at East and West Dovelish, and Compton Martin, in the county of Somerset; and at Stoke in Blackmore, Gorwell, Caundel, Baymin, Hull, and Stureweston, in Dorsetshire.

§ Hutchin's
Dorset,
V. II. p. 448.
|| Originalia,
28 Hen. III.
Rot. 3. dors.

According to Hutchins, § this Ralph was son and heir of Andrew Wake, which Andrew was the son and heir of Hawyse Wake, and in 28 Hen. III., had livery|| of his mother's lands in the county of Dorset; who, from this circumstance, seems to have been the heiress of that inheritance, and, most likely, was the daughter of Cosyn, or Cousin, the name of a family, which held the said lands before the Wakes.

¶ Hutchin's
ut antea.

He is said to have come to his death by the unnatural contrivance of Alice his wife, who was afterwards tried, and burnt, ¶ according to her sentence for the said offence.

** Esch.
22 Edw. III.
n. 46.

John Wake, son and successor to Ralph, died about the 22 Edw. III.,** being then seised of the manors and lands whereof his father had been theretofore possessed: when his heirs were his daughters, Isabel, wife of John Keynes,—Margaret, wife of Hugh Tyrel,—and Elizabeth, who married Richard Michell: †† among whom, the inheritance became divided.

†† Ibid.
34 Edw. III.
n. 69.

WALEYS. (14 EDW. II.)

Richard Waleys, 14 Edw. II., had summons to a parliament convened to meet at Westminster in twenty-one days from the Nativity of St. John the

Baptist, there to treat upon the affairs of the kingdom, *cum cæteris magnatibus et proceribus regni*.*

* Clau. Rot.
14 Edw. II.
in dorso.
m. 5.

After this, a parliament having been proposed to be assembled at Doncaster, by the earl of Lancaster, to which the nobility and commons were required to attend and advise upon the grievances of the nation, his Majesty, by his special writ† addressed to his principal nobility, forbids them to be present at the said assembly; and, on this occasion, the name of Richard Waleys is again included among the earls and barons. But after this period, his name is not contained in any further writ of summons to parliament.

† Ibid.
15 Edw. II.
in dorso.
m. 23.

The name and family of Waleys was of great antiquity in Yorkshire; for when Stephen Waleys (father, ⁽⁴²⁾ as it is presumed, of Richard) was questioned by what right he claimed to have free-warren in Hilton and Helaw, in that county, he defended the same, by producing the charter of Henry II.‡

‡ Quo War.
9 Edw. I.
Ebor.

This Richard probably married Alianor, relict of Robert Brus, of Connington,§ and had issue a son Stephen, who, however, was more likely by a former wife.

§ Esch.
10 Edw. II.
n. 67.

Stephen, by the description of *son of Richard Waleys*, in 6 Edw. III., had a charter of free-warren|| for his lands at Burgh-Waleis, Newton-Wales, Hanley, Cotyngley, and Dunsford, all in the county of York. His wife, according to Dugdale,¶ was Annora, or Eleanor, daughter to Robert Umfraville, earl of Angus. By his will, proved in 1347, he desired to be buried** in the priory of Helaw, in the county of York.

|| Cha. Rot.
6 Edw. III.
n. 2.

¶ Dug. Bar.
Vo. I. p. 507.

** Burton's
Monast.
Eborac.
p. 187.

(⁴²) This Stephen (according to a MS. in the Bodleian Library) had a son, sir¹ Richard; who, by Anne, daughter of sir William Fitz-William, of Elmley, had a son Stephen, who, by a daughter of sir John St. Philibert, had a son, who died S. P., and two daughters,—Agnes, who married Robert Swillington,—and Elizabeth, who married, first, sir William Nevill, and secondly, sir John Depeden. Sir William Vavasour, of Yorkshire, married Nichola, daughter of sir Stephen, and sister to sir Richard Waleys, of Newton.—Coll. Baron.

WATEVILL, or WATERVILLE. (20 EDW. II.)

Robert de Watevill, or Waterville, 20 Edw. II., had summons to attend a parliament at Westminster,* *inter cæteros proceres et magnates regni*; and, in the 1st, 2nd, 3rd, and 4 Edw. III., had the like summons with the nobility of the realm. In 32 Edw. I. (if he be the same person), he had a charter for free-warren† at Overton-Waterville, in the county of Huntingdon; and, in the 9 Edw. II., fined forty shillings for license,‡ to give certain lands at Overton-Watervill, and Ashele, in Huntingdonshire, to found a chantry at St. Mary's, at Ashele.

* Cla. Rot.
20 Edw. II.
in dorso.
m. 4.

† Cha. Rot.
32 Edw. I.
n. 23.

‡ Gro. Fin.
9 Edw. II.
Rot. 20.

§ Dug. Bar.
Vo. I. p. 438.

|| Collins's
Parl. Prec.
p. 385.

¶ Lib. Nig.
Scacc. Vo. I.
p. 294.

** Matt. Par.
p. 852.

This name is very ancient, of which — Watevill, or Waterville, married Asceline, one of the sisters and co-heirs of William, the son of Pain Peverell, baron of Brune,§ in the county of Cambridge, and had issue Roger Wateville, of Thorpe,|| who had issue.

In the time of Henry II.,¶ Robert Wattéville held three knights' fees of the honour of Clare in Suffolk; and a Berenger de Waterville, was one of those great men, on the part of the rebel barons, who were taken prisoners by the royal army at Northampton.**

There was a family of this name, of much repute, in the county of Essex; whereof, a

†† Cha. Rot.
4 Joh. m. 16.

‡‡ Ibid.
38 Hen. III.
m. 13.

§§ Morant's
Essex,
V. II. p. 406.

Robert de Watvile held Hampsted, in the time of Richard I., which was holden by his son William in the time of king John,†† and also in the reign of Henry III., when William Waterville had a charter of free-warren for Hamsted and Pamfield, in Essex.‡‡

William, only son of the said William, according to Morant,§§ married the daughter and heir of Robert Roos, of Radwinter, and had an only son John, who had issue also an only son John, who died issueless, and a daughter Joan, who was married, first, to Richard de Mutford; and secondly, to William de Langham.

||| Monast.
Anglic.

Vo. I. p. 640.

¶¶ Ib. p. 641.

In the 10th of king Stephen, William de Waterville gave the manor of Warlingham to the convent of Bermondsey, with the consent of Robert his son;||| and, it is likely, was the same person who, with the consent of his sons (Robert, William, and Ottwell) gave the advowsons of the churches of Warlingham and Chelsham to the said convent.¶¶

WHITYNGTON. (25 EDW. I.)

John de Whytington, 25 Edw. I., was called by writ to attend a parliament summoned* to meet at Salisbury, on the feast-day of St. Matthew the Apostle, *cum quibusdam aliis proceribus, et magnatibus regni*; and in the same character of a baron, he had a summons of service to be at Newcastle-upon-Tyne, on St. Nicholas's Day, the same 25 Edw. I.† But his name is not mentioned in any subsequent writ of parliamentary summons.

* Clau. Rot.
25 Edw. I.
in dorso.
m. 25.

† Ib. m. 20.
cedula.

The family of Whittington was of great consideration at Pauntley, in the county of Gloucester, which they obtained by marriage‡ with the heiress of Solers, of Pauntley. But whether the aforesaid John de Whityngton was descended of the said house, is not set forth. The Pauntley line terminated in the main branch in 1346, by the death of Thomas Whittington, who left only female issue, married into the families of St. Aubyn, Berkeley, Bodenham, Throckmorton, Nanfant, and Poole of Saperton.

‡ Fosbrook's
Glouc.
V. II. p. 231.

WOGAN. (35 EDW. III.)

This is the name of an ancient and highly distinguished family, which was particularly eminent in the kingdom of Ireland. Of this house,

John de Wogan, 23 Edw. I., was appointed justice of all Ireland, by patent, dated at Westminster, 18th October.§ He shortly afterwards passed over to that realm, and took the justice-seat; where he continued for some years|| to exercise the difficult and important duties of that high station, with great credit, energy, and ability.¶ In 1308, the 2 Edw. II., he returned to England, in the autumn;** and William Bourke was appointed keeper of Ireland in his absence. He afterwards, however, went thither again, and attended the parliament which was holden at Kilkenny, in 1309, on the Octaves of the Purification of the Virgin Mary.

§ Rot. Pat.
23 Edw. I.
m. 3.

|| Ibid.
1 Edw. II.
m. 7.

¶ Camden's
Annals of
Ireland.

** Ibid.

* Camden's
Annals of
Ireland.

But in 1312, the 6 Edw. II., he came back to England, and sir Edmund Butler was first nominated his deputy, and afterwards justiciary of Ireland in his room. The time of his death is unnoticed; but it seems, that his wife, styled * the lady Margaret, deceased in Ireland before him, on the third day before the Ides of April, anno 1302.

But this John could not be the same who had summons the 35 Edw. III., as the period back from that time to 23 Edw. I., when he was appointed justice of Ireland, would be upwards of sixty-five years: it is therefore more likely that the

† Esch.
31 Edw. III.
n. 34.

John Wogan, who had the said summons of 35 Edw. III., to attend at Westminster, to consult on the affairs of Ireland, was son of sir Thomas Wogan, who was the king's escheator in Ireland, and died 31 Edw. III.,† being then seised of the manor of Kilta, with several other lordships in Ireland; and likewise of the half of the manor of Wiston, with Picton and the castle of Pembroke, in Herefordshire and Pembrokeshire, in England; of which John Wogan, his son and heir, had livery the same year.‡ The manor of Kilta, &c., in Ireland, were holden of Roger Mortimer, by the service of four knights' fees. §

‡ Originalia,
31 Edw. III.
Rot. 13.

§ Pat. Rot.
31 Edw. III.
m. 10.

The manor of Picton was acquired by the marriage of sir John Wogan, of Wiston (the ancient seat of the Wogans), with the daughter and heir of sir William Picton, of Picton Castle; whose ancestor had the same from Arnulph de Montgomery, in the time of William Rufus.

|| Ex Inf.
Dom. Mil-
ford.

By the heiress of Wogan, the castle, &c. came in marriage to Owen Done, of Muddlescombe, by whose grand-daughter, and heiress, married to sir Thomas Philips, knight, the same passed to that family, || in which it subsequently has continued, and whereof the late sir John Philips, who was created baron of Milford, died seised in 1823.

¶ Pat. Rot.
m. 15.

** Ib. m. 27.

A Walter Wogan, 15 Edw. II., ¶ was a justice of the Pleas in Ireland, and, 21 Hen. VI., ** a Richard Wogan was chancellor of Ireland; but in England the name is not recorded as having filled any very high official situations.

WYNDESOR. (24 Edw. I.)

With regard to the origin of this family, sir William Dugdale has certainly treated of it in his *Baronage*;* but he has nevertheless omitted the regular account of Richard de Wyndesor, who, according to Messrs. Collins and Edmondson, was the ancestor of the family of the subsequently-created barons of that ancient house and surname. The said

* Dug. Bar.
Vo. I. p. 509.

Richard de Wyndesor, or Windsor, was son and heir of William, grandson to that William, whom Dugdale has stated† as a younger brother to Walter, who deceased about the time of king John, without issue male.

† Ibid.

This Richard being of full age, in 13 Edw. I. had livery of his inheritance; and, in the 23rd of the same reign, was one of the knights‡ of the shire for the county of Berks. In the 24 Edw. I., he had summons with other eminent persons, to the great council at Newcastle-upon-Tyne; and, in the year following, was again one of the representatives in parliament for Berkshire; as he was also in divers other parliaments§ of his time. He died the 19 Edw. II.,|| leaving Joan his second wife surviving,¶ and Richard his son and heir, by Julian his first wife, who was daughter of sir Nicholas Stapleton, of Hachilsay, in the county of York, knight; which

‡ Willis's
Notit. Parl.

§ Ibid.

|| Esch.
19 Edw. II.
n. 54.

¶ Ibid.

Richard Windsor, was the lineal ancestor¶ to sir Andrew Windsor, who, 21 Hen. VIII., was summoned to parliament as a baron of the realm, and whose heir-male was afterwards advanced to the dignity of earl of Plymouth.

** Collins,
Edmondson,
&c.

WYNESLEE. (24 Edw. I.)

Thomas de Wyneslee, 24 Edw. I., was one of those persons of consideration, who then had a consimilar writ of summons** of service, to attend among the barons at the council, then convened to meet at Newcastle-upon-Tyne, furnished with horse and arms, to march against the Scots. But, excepting on this particular occasion, the name of Wyneslee is not noticed with any baronial or honorial distinction.

†† Dug. List
of Summ.

WYTH. (1 EDW. III.)

* Esch.
1 Edw. III.
n. 88.

† Dug. Lists
of Summ.

‡ Ibid.

Geffery With, or Wyth, in the time of Edward III., held* one knight's fee at Louthingley, in the county of Suffolk, of Thomas, earl of Lancaster.

In the 1 Edw. III., he was one of those who had summons† to attend at Newcastle-upon-Tyne, furnished with horse and arms, to march against the Scots; but this summons‡ was one of *service*, and not for *consultation in parliament*.

§ Hist. of
Norf.
Vol. IX.
p. 25.
Tunsted.

This Geffery is likely the person who married Isabel, daughter and co-heir of William de Stallam, who held lands at Beeston and elsewhere, in the county of Norfolk, § where, upon his decease, he was interred in the chancel.

After this period, the name of Wyth is not noticed in the public records as one of any particular note, though it appears, that

|| Esch.
24 Edw. III.
n. 44. sec.
nos.

Sir Oliver Wyth, 24 Edw. III., || had, along with others, license to enfeof the prior and convent of St. Olave de Herbyngflet with divers lands in the county of Norfolk; (^{5a}) and that,

¶ Hist. of
Norf.
Vol. III.
p. 13.
S. Erping.
** Ibid.
Vol. VII.
p. 22.
Happing.

Anne, daughter and heir of sir John Wyth, by Sibilla his wife, daughter and heiress of sir Edmund de St. Omer, ¶ married sir John Calthorpe; which family thereby came to inherit certain estates of the Wyths in Norfolk, and to quarter the arms of Wyth, as is represented in the chancel of Hampstead Church, in Norfolk.**

Sir John Wyth, by his will, dated the 22nd of February, 1387, desired to be buried in the chancel of Beeston Church; where also, upon her decease, his wife Sibilla (who had survived him) was likewise interred, according to her desire, as expressed in her will.

(^{5a}) He is probably the same who married Winesia, daughter and heir of John de Riveshall, lord of the manor of Rushhall, in Norfolk; which, from the Wythes afterwards passed to the Carbonels.—Hist. of Norf. Vol. II. p. 87. Earsham.

THE preceding account of those persons who were summoned to parliament in the character of Barons, but were, nevertheless, rejected by Dugdale out of his History of the Peerage, must evidently show, that some at least, though not all of them, were entitled to hand down to their posterity an inheritable parliamentary dignity,—particularly if a sitting, under their writs of summons, could be established. This is a point, as already observed, material to constitute and complete the right of a baron, by writ, to an inheritance in fee-simple, or rather fee-tail general, in his honor; for which reason, the following copy of the writ of summons to the parliament at Lincoln, in 29 Edw. I., and the list of names of the persons who were therein assembled, and subscribed the letter to the Pope, may tend to prove that such persons were then unquestionably peers of the realm, and were sitting in parliament for the purpose of deliberation.

One thing rather noticeable in this parliamentary record, is, that the names of the persons who did not subscribe the letter, are stated; which intimates, that, though present, they objected to the proceeding, and were, according to modern language, the “*Non contents*.”

Again, the names of those, who, though they were summoned, were not present (and yet had their names affixed to the letter), being set forth, the same affords a conclusion, that they were absent on some public mission, or were otherwise employed, or excused, and therefore gave their consent by proxy.

To this evidence of parliamentary sitting, may be added the writ of summons to the earls and barons, to attend the coronation of Edward II., which is the most early writ of the kind extant. This may tend to show who were the persons then esteemed among the barons of the realm.

Claus. Rot. 29 Edw. I. in dorso, m. 3.

D' veniendo
ad p'liamen-
tum.

R ven⁹abili in xpo. R. eadem grā archiepo Cantuar⁹ tocius Angl⁹ primati
sattm. Cum nup p cōi utilitate popl⁹ regni n⁹i concesserim⁹ qđ carta de
foresta in singl⁹is suis arti⁹lis firmi⁹ observaret⁹ assignando quosdam de
fidelibz n⁹is in singl⁹is com⁹ ejusdem regni in quibz foreste n⁹e existunt ad
pambula⁹cōem in eisdem forestis faciendam. Ita qđ pambula⁹cōem illam
distincte & apte fcam ad nos anteq⁹ aliqua execucio vel aliquid aliud inde
fieret reptarent. et qđ juramentū n⁹m jus corone Angl⁹ rōnes & calumpnie
n⁹e nec jus rōnes & calumpnie alioz omi⁹ salva forent. Nos licet dci fideles
n⁹i nūc p⁹mo ad nos detulerint quod fecerūt in negotio memorato / quia
tamen prelati / comites / barones / & ceti magnates dci regni in quoz
psencia n⁹as & alioz pponi & audiri volum⁹ rōnes & de quoz consilio in
eodem negotio put alias dixim⁹ intendim⁹ opari. Maxime cū ipi ad
observand⁹ & manutenend⁹ jura regni & corone pdce una nobcum juramenti
vinculo sint ast⁹cti juxta latus n⁹m tūc temporis nō fuerūt / ac p eo simili⁹
qđ illi qui suas rōnes q⁹ten⁹ illud negociū eos tangit ppon⁹e hēbant inde
pmuniti nō erāt eidem negotio sine ipoz consilio finem impon⁹e non
potuim⁹ bono modo. Et quia negociū illud q⁹ntum possum⁹ cupim⁹
maturari / ita qđ p nos nō stet quin absq⁹ ultioris ditonis incōmodo effc⁹m
debitū sorciat⁹ / volentes cū prelati / comitibz baronibz & magnatibz
sup⁹dcis ac aliis de cōitate dci regni sup hoc & quibzdam aliis arduis
negociis nos & statū regni pdci tangentibz hēre colloquiū & t⁹ctatū / vo⁹
mandam⁹ in fide & dileccōe quibz nob tenemini firmi⁹ injungentes qđ sitis
ad nos ad pliamētū n⁹m apud Lincoln in Octab⁹ S⁹ci Hilla⁹ p⁹xio futu⁹
nobcum ibidem una cū cetis prelati & pceribz pdcis sup pmissis t⁹ctaturi
v⁹rmq⁹ consiliū impensuri. Et hoc sicut nos & cōmodū regni pdci diligitis
nullaten⁹ omittatis. T. R. apud la Rose xxvj. die Septemb⁹.

Consimiles lre dirigunt^r T. archiepo Eboꝝ Angl primati & epis & abbatibꝫ
subscⁱptis videlt

J. Karliolen epō
J. Lincoln epō
R. Elien epō
J. Norwyceñ epō
R. London epō
T. Roffen epō
R. Cicestr epō
S. Saꝝ epō
T. Exon epō

W. Bathon & Welleñ epō
R. Hereford epō
G. Wygorn epō
W. Coventr & Lych epō
A. Duneſm epō
J. Landaven epō
D. Meneven epō
. . Assaven epō
. . Bangoren epō

Abbati de Sčo Edmō
Abbī Sči Aug⁹tini Cantuar
Abbī de Sčo Albano
Abbī Westm
Abbī de Walthⁱm
Abbī de Burgo Sči Petri
Abbī de Rameseye
Abbī de Thorneye
Abbī de Croyland
Abbī de Eveshⁱm
Abbī Glaston
Abbī de Wynhecūbe
Abbī de Malmesbury
Abbati Cestr
Abbati de Hida Wynton
Abbī de Birton sup Trentam
Abbī Sči Petri Gloucestr
Abbī de Alnewyk
Abbī de Sča Agatha
Abbī de Barlinges
Abbī de Tuphoſm
Abbati de Byleye

Abbī de la Dale
Abbati de Neuhus
Abbati de Cokersand
Abbati de Croxton
Abbati de Sča Radegund
Abbī de Stanlawe
Abbī de Bildewas
Abbī de Stonle in Wylt
Abbī de Tychefeld
Abbī de Lavenden
Abbī de Torre
Abbī de Wellebek
Abbī de Hales
Abbī de Swinesheved
Abbī de Warden
Abbī de Boxle
Abbī de Furnais
Abbī de Salleye
Abbī de Holmcoltran
Abbī de Cirencestr
Abbī de Novo Monastio
Abbī de Stⁱford

Abbi de Tileteye
 Abbi de Bynedoñ
 Abbi de Jirovañ
 Abbi de Fontibz
 Abbi de Bella Landa
 Abbi de Melsa
 Abbi de Kirkstede
 Abbi de Quarrera
 Abbi de Liteleye
 Abbi de Dunkesweñ
 Abbi de Rupe
 Abbi de Rughford
 Abbi de Valle Dei
 Abbi de Gerndon
 Abbi de Stanleye in Arderñ
 Abbi de Bello loco Regis
 Abbi de Strata Florida
 Abbi de Flaxele
 Abbi de Pippewest
 Abbi de Redinges

Abbi de Cumbe
 Abbi de Bassingwerk
 Abbi de Cumbmere
 Abbi de Tynñe
 Abbi de Kyngeswode
 Abbi de Waverle
 Abbi Sçe Werburge Cestr
 Abbi de Crokesden
 Abbi de Valle Regali
 Abbi de Deulacresse
 Abbi de Mira Valle
 Abbi de Revesby
 Abbi de Pco Lude
 Abbi Bē Marie Eboz
 Abbi Sçi Aug⁹tini Bristoff
 Abbi Sçi Petⁱ Glouc
 Mağro ordis de Sēpīg
 Priori Hospiñ Sçi Johis Jerlm in Angl
 Mağro Milicie Templi in Angl

D' veniendo
 ad p'liamen-
 tum R.

R dilco & fideli suo Johi de Warennā comiti Surř / saltm. Cum nup p
 cōi utilitate &c. ut sup^a usq^q ibi / Voñ mandam⁹ in fide & homagio quibz
 noñ tenemini firmit⁹ injungentes qđ sitis ad nos ad pliamētū nřm apud
 Lincolñ in octab Sçi Hillañ pxio futuř noñcum ibidem una cū prelati
 & pceribz pđcis sup pmissis tractaturi vřmq^q consiliū impensuri. Et hoc
 sicut nos & cōmodū regni pđci diligitis nullaten⁹ omittatis. T. R. apud
 la Rose xxvj. die Septembř.

Consimiles tre dirigunt^r comitibz / baronibz / & militibz subsc̄ptis
 videt^r

Rogo le Bygod comiti Norff &
 marescallo Angl

Rado de Monte Hermerii comiti
 Glouc & Hertford

Humfrido de Bohun comiti Hereford & Essex	Joñi de Seg ⁱ ve
Riço filio Alani comiti Arundell	Robto filio Rog ^o i
Guidoni de Bello campo com War	Hugoni de Veer
Thome comiti Lancast ^r	Walto de Fauconbge
Robto de Veer comiti Oxon	Petro de Chaumpnēt
Gilbto de Umframviſt com de	Rado Basset de Drayton
Anegos	Rog ^o de la Warre
Hen ^r de Lancast ^r	Joñi Paynel
Aymero de Valencia	Alexo de Balliolo
Joñi de Ferariis	Hugoni Pointz
Hen ^r de Percy	Rog ^o de Mortuo Mari
Robto filio Wal ^{ti}	Wiffo de Ryther
Wiffo le Latim ⁱ juniore	Reginaldo de Grey
Robto de Clifford	Walto de Muncy
Robto de Monte Alto	Robto de Scales
Joñi de Hasting	Ade de Welles
Joñi de la Mare	Almarico de S ^{co} Amando
Joñi de Ripariis	Wiffo de Canti Lupo
Joñi de Mohun	Joñi Engaigne
Robto filio Pagani	Gilbto Pecche
Hugoni de Curtenay	Joñi de Clav ⁱ ing
Edmundo Deyncurt	Eustachio de Hacche
Joñi de S ^{co} Joñe de Lageh ^m	Wiffo de Leyburn
Thome de Furnivaſt	Joñi de Bello Campo
Hugoni Bardolf	Wiffo de Grandi sono
Robto de Tony	P ^{ho} Darcy
Thome de Berkele	Joñi Ext ⁱ neo
Wiffo de Brewoſ	Joñi de Insula
Petro Corbet	Joñi de Suleye
Wiffo Martyn	Simoni de Monte Alto
Thome de Multon	Thome le Latim ⁱ
Joñi Abbadam	Walto de Hun ⁱ cumbe
P ^{ho} de Kyme	Edmundo de Hastings
	Joñi de Lancast ^r

Robto de Tateshale
 Raðo Pypart
 Robto la Warde
 Alano la Zusche
 Joñi Luvel de Tychemersh
 Henr Tyes
 Nicño de Seg^ave
 Briano filio Alani
 Edmō de Mortuo Mari
 Fulconi filio Warini

Joñi filio Reginaldi
 Wilfo de Ferariis
 Wilfo le Vavassur
 Elie Daubeny
 Edmō Baroni Stafford
 Raðo filio Wilfi
 Bogoni de Knovitt
 Thome de la Roche
 Wilfo Tochet
 Andree de Estle

ANNO XXIX. REGIS EDWARDI I.

In domo
 capitulari
 Westm'

EXEMPLAR LITTERARUM Angliæ procerum in parlamento apud Lin-
 colniam convenientium anno 29 regis Edwardi primi summo
 Pontifici porrectarum, supremum dominium regni Scotiæ, regibus
 Angliæ, de jure debitum audacter vendicantium.

Scīssimo in xpo pri dño B. divini pvidencia Sçe Romane ac univ⁹salis
 ecclie sumo pontifici sui devoti filii

Joñes comes Warenñ
 Thom com Lancastrie
 Radus de Monte H'meri com Glouc.
 & Herf
 Humfr de Bohun com Hereford &
 Esseñ & contañ Angt
 Rog⁹s Bigod com Norff' & maresch
 Angt
 Guido com Warñ
 Riç com Arundell

Adomañ de Valenç dñs de Montiniaco
 Henr de Lancastñ dñs de Munemue
 Joñes de Hastynñ dñs de Bergeveny
 Henr de Percy dñs de Topclive
 Edmūdus de Mortuo Mari dñs de
 Wigemoñ
 Robtus fit Walteri dñs de Wodeham
 Joñes de Sço Joñe dñs de Hannak
 Huñ de Veer dñs de Swaneschaumpis
 Wilfs de Breouse dñs de Gower

Robtus de Monte Alto dñs de Harwardyn	Rog ^{us} de Mortuo Mari dñs de Pentkellyn
Robtus de Tatteshale dñs de Bokeh ^m	Joñs fit Regiñ dñs de Blekeneny
Reginaldus de Grey dñs de Ruthyn	Ranulphus de Nevill dñs de Raby
Hen ^r de Grey dñs de Codenore	Brianus fit Alani dñs de Bedale
Hugo de Bardolf dñs de Wirmegeye	Wiffs Mareschall dñs de Hengh ^m
Robtus de Tony dñs de castro Matiff	Waltus dñs de Huntcumbe
Wifft de Ros dñs de Hamelak	Wifftus Martin dñs de Cameiso
Robtus de Clifford castellanus de Appleby	Hen ^r de Tyes dñs de Chilton
Petr ^{us} de Malo Lacu dñs de Mulgreve	Rog ^{us} le Ware dñs de Isefeld
Pñs dñs de Kyme	Joñs de Ripar dñs de Angre
Robtus fit Rog ⁱ dñs de Clav ^{yn} g	Joñs de Lancast ^r dñs de Gridale
Joñes de Mohun dñs de Dunsterre	Robs fit Pagani dñs de Lammer
Almaricus de S ^{co} Amando dñs de Wydehay	Hen ^r Tregoz dñs de Garinges
Alanus la Zouch dñs de Assheby	Rads Pipard dñs de Linford
Wifft de Ferañ dñs de Groby	Waltus dñs de Faucumbge
Theobald ^{us} de Verdun dñs de Webbele	Rog ^{us} le Estr ^{inge} de Ellesme
Thom ^{as} de Furnivañ dñs de Sheffield	Johannes Lestr ^{inge} de Cknokyn
Thom ^{as} de Molton dñs de Egremont	Thom ^{as} de Chaurces dñs de Norton
Wiffs le Latini ^{us} dñs de Corby	Waltus de Bellocampo dñs de Alecest ^r
Thom ^{as} dñs de Berkely	Riçus Talebot dñs de Ekleswell
Fulco fit Warini dñs de Whittington	Joñes Bettetourte dñs de Mendesh ^m
Joñs dñs de Seg ^{ve}	Joñs Engayn dñs de Columb
Edm ^{undus} de Eyncourt dñs de Thurgeriton	Hugo Pointz dñs de Corimalet
Petr ^{us} Corbet dñs de Cauz	Ad dñs de Welle
Wiffs de Cantilup dñs de Ravenesthorp	Simon dñs de Monte Acuto
Joñs de Bellocampo dñs de Hacche	Joñes dñs de Sulleye
	Joñs de Moeles dñs de Caudebir
	Edm ^{undus} Baro Staff ^r
	Joñs Lovel dñs de Dakkyng
	Edm ^{undus} de Hasting ^g dñs de Enchimeholmok
	Rads fit Wiffti dñs de Grinthorp

Robtus de Skales dñs de Neuseles	Rog ⁹ us de Huntingfeld dñs de Bra- dinh ^m
Wiflus Thouchet dñs de Levenhales	Hugo fit Henr dñs de Ravenewath
Joñs de Adam dñs de Bev ⁹ iston	Joñs le Breton dñs de Sporle
Joñs de Hav ⁹ ingges dñs de Grafton	Nichs de Carru dñs de Muleford
Robtus la Warde dñs de Alba Aula	Thome dñs de la Roche
Nichs de Seg ^a ve dñs de Stowe	Wal ⁹ us de Monecy dñs de Thornton
Wal ⁹ us de Teye dñs de Stangreve	Joñs fit Mermeduci dñs de Hordene
Joñes de Lisle dñs de Wodeton	Joñs dñs de Kyngeston
Eustachius dñs de Hacch	Robtus Hastang dñs de la Desiree
Gilbtus de Pecche dñs de Corby	Radulphus dñs de Grendon
Wifls Paynel dñs de Fracyngton	Wifls dñs de Leyburne
Bugo de Knovill dñs de Albo Mo- nastio	Joñs de Greystok dñs Morpath
Fulco Lestr ^a nge dñs de Corsh ^m	Mat ⁹ is fit Joñis dñs de Stokeh ^m
Henr de Pinkeny dñs de Wedon	Nichs de Meynhyl dñs de Wherleton &
Joñs de Hodelleston dñs de Aneys	Joñs Paynel dñs de Otteleye

devota pedū oscula beatoꝝ Sca Romana mat⁹ ecclā p⁹ cuj⁹ minist⁹ium fides catholica gu⁹bnatur in suis actibz cum ea sicut firmi⁹ credim⁹ & tenem⁹ mat⁹itate pcedit qđ nulli pjudicare sz singuloꝝ jura non minus in aliis q^a in se ip^a tanq^a mat⁹ alma con⁹svari velit illesa sane cōvocato nup p serenissimū dñm nrm Edwardum Dei grā regem Angl illustrem plamento apud Lincoln g⁹nali. Item Dñs nr quasdam tras aplicas quas sup ctis negociis condiçonem & statum regni Scoč tangent ex pte v⁹ra recepat in medio exhiberi et seriose fecit nob⁹ exponi. Quibus audiris & diligencius intellectis tam nris sensibz admiranda q^a hacten⁹ inaudita in eisdem audivim⁹ contin⁹i. Scim⁹ enī pa⁹l scissime et notorium est in ptibz Angl & nonnullis aliis non ignotum qđ a prima instiçõe regni Angl reges ej⁹d regni tam tempibz Brittonū q^a Anglōz supius & directum dñium regni Scoč fuerunt & in possessionem vel q^asi supioritatis & directi dnii ipius regni Scoč successivis tempibz extitunt. Nec ullis tempibz ipm regnū in tempibz ptinuit v⁹l ptinet quovis jure ad ecc^am sup^adçam quinimo idem regnum Scoč pgenitoribz pdci dñi nri regibz Angl atq^a sibi feodale extitit ab

antiquo. Nec eciam reges Scotoꝝ et regnum alii q̄ⁱ regibꝫ Angl̄ ſbſuerunt vel ſubici conſuev^unt. Neqꝫ reges Angl̄ ſup juribꝫ ſuis in regno p̄dco aut aliis ſuis tempalibꝫ coꝛ aliquo iudice eccl̄astico v̄l ſeculari ex lib̄ra p̄minencia. Status ſue regie & dignitatis & conſuetudinis cunctis tempibꝫ irref^gabit^r obſvate reſponderunt aut reſpondere debebant. Unde h̄ito t̄ctatu & delib̄acone diligenti ſup contentis in v̄ris l̄ris memoratis q̄is concors & unanimis oꝛnium n̄rm & ſinguloꝝ conſenſus fuit eſt & erit inconcuſſe Deo p̄pitiſ inſut^um qđ p̄fatus dñs n̄r rex ſup juribꝫ regni ſui Sco^c aut aliis ſuis tempalibꝫ nullaten^o judiciali^l reſpondeat coram vo^b nec iudm ſubeat quoquomodo aut jura ſua p̄dca in dubiū ipius deducat nec ad p̄ſent^u v̄ram p̄cu^r aut nunc ad hoc mittat. Precipue cum p̄miſſa cederent manifeſte in ex̄heda^com juris corone regni Angl̄ & regie dignitatis ac ſubv^sionē ſtatus ejusdem regni notoriam n̄on in p̄judiciū lib̄tatum conſuetudinū & legum pa^rnaꝝ ad quaꝝ obſva^conem & defenſionem ex debito p̄ſtiti jura^menti aſtringimur & que manutenebim^o toto poſſe totisqꝫ viribꝫ cum Dei auxilio defendem^o. Nec etiam p̄mittim^o aut aliq^uten^o p̄mittem^o ſicut nec poſſum^o nec debem^o p̄miſſa tam inſolita in debita p̄judicialia & alias inaudita p̄libatū dñm n̄rm regem eciam ſi vellet fa^ce ſeu quomodolibet attemptare. Quocirca ſanctitati v̄re rev^een^t & humili^l ſupplicam^o q̄tin^o eundm dñm n̄rm regem qui in^t alios p̄cipes orbis t̄re catholicū ſe exhibet et eccl̄e Romane devotū jura ſua lib̄tates conſuetudīes & leges p̄dca abſqꝫ diminucōne & inquietudine pacifice poſſidere & ea illibata p̄ſiſte benigni^o p̄mittat^r. In cujus rei testimoniū ſigilla n̄ra tam p̄ nob^{is} q̄ⁱ p̄ tota cōmunitate p̄dci regni Angl̄ p̄ſentibꝫ ſunt appenſa. Dat^u apud Lincoln̄ xij. die Feb̄r anno dñi M^oCCC^o.

*Nomina magnatum, qui ad dictum parliamentum anno xxix. regni regis Edwardi primi, apud Lincolniam convocatum nequaquam ſummoniti erant; cujus ſigilla, veruntamen dictis literis, ſummo pontifici a mandatis, affixa erant.

Henricus de Grey (de Codnoure
Willielmus de Ros (de Hamlak)

Petrus de Malolacu (de Mulgrave)
Theobaldus de Verdon (de Webley)

* Reprinted from Dugdale, but the original cannot be found.

BARONES REJECTI.

Ranulphus Nevill (de Raby)	Johannes Hudleston (de Aneys)
Henricus Tregoz (de Garinges)	Rogerus Huntinfeld (de Bradenham)
Rogerus le Straunge (de Ellesmere)	Hugo filius Henrici (de Ravenswath)
Thomas de Chaurcis (de Norton)	Johannes le Bretton (de Sporle)
Walterus de Bello Campo (de Alcester)	Nicholaus de Carru (de Molesford)
Ricardus Talbot (de Eccleswell)	Johannes filius Marmaduci (de Hordene)
Johannes Botetourt (de Mendlesham)	Johannes de Kingeston
Johannes de Moels (de Cadbury)	Robertus Hastang (de Desiree)
Johannes de Haverings (de Grafton)	Johannes de Greystoke (de Morpeth)
Walterus de Teys (de Stangreve)	Mathæus filius Johannis (de Stokenhame)
Wiffrid Paynel (de Tracington)	Nicholaus Meynill (de Wherletone)
Fulco le Straunge (de Corfham)	
Henricus Pinkney (de Wedon)	

Nomina illorum, qui ad istud parliamentum summoniti erant, cujus sigilla domino papæ emissa, non sunt appensa.

Rogerus Bigod, comes Norff'	Johannes de Clavering
Johannes de Ferrers	Willielmus de Grandison
Johannes de la Mare	Philippus D'arcie
Hugo de Courtnay	Thomas de Latimer
Petrus de Champvent	Willielmus le Vavasor
Radulphus Basset (de Drayton)	Elias D'aubeny
Alexander de Balliol	Andræas de Estle
Willielmus de Rither	

Claus. Rot. 1 Edw. II. in dorso, m. 12.

D'int'es-
send. coro-
nacōi R.

R ven⁹abili in xpo pri W. eadem gra archiepo Eboꝝ Ang^t primati saltm.
Quia firmi⁹ credimus & spamus qd accepto coronacōis & consecracōis
mun⁹e sūmi Reg' potencia virtuosa in regimine popli regni nři de bono
semp in melius diriget actus nřos ac nos die dnica pxia post instans festū
Sđi Valentini apud Westm pponimus auctore Dño coronari⁹ voř manda-

mus firmi⁹ injūgentes qđ hujusmōi corona⁹is nre solempniis d⁹cis die & loco celebrand⁹ psonali⁹ in⁹tsitis. Et hoc sicut nos & honorem nrm diligitis nullaten⁹ omittatis. T. R. apud Dovoř xvij die Januař.

Eodem modo mand⁹ est subscriptis videt.

A. Patriarche Jerlm & epo Dunolm	Abbi de Wynhecumbe
J. Kariolū epō	Abbi de S ⁹ co Edmundo
J. Lincoln epō	Abbi Glaston
J. Norwyce	Abbi de S ⁹ co Albano
R. Elye	Abbi de Rameseye
W. Bathon & Welle	Abbi de Malmesbury
H. Wynton	Abbi de Burgo S ⁹ ci Petri
R. London	Abbi S ⁹ ci Petri Gloucestr
R. Hereforden	Abbi beate Marie Eboř
Th Roff	Abbi de Hida Wynton
S. Sař	Abbi de Evesham
— Assave	Priori ecclie Xpi Cantuař
— Meneve	Priori de Lewes
— Landave	Priori de Bridlington
— Bangore	Priori hospital S ⁹ ci Johis Jerlm in
Abbi S ⁹ ci Augustini Cantuař	Angl

R dilco & fid suo Johi de Warenn comiti Surř saltm. Quia die dnica pxia post festum S⁹ci Valentini pvio futur apud Westm pponim⁹ Deo ppicio coronari. voř mandam⁹ firmi⁹ injūgentes quatin⁹ die & loco pdcis corona⁹is nre pdce celebrandis sollempniis psonali⁹ in⁹tsitis. Et hoc sicut honorē nrm diligitis nullaten⁹ omittatis. T. R. apud Dovoř xvij. die Januař.

Eodem modo mand⁹ est subscriptis videt.

Robto de Umframviř comiti de	Petro de Gavaston comiti Cornub
Anegos	Robto de Veer comiti Oxon
Gilbtō de Clare comiti Glouc & Hertf	Guidoni de Bello Campo com Warr

Edmo comiti Arundell	Alano la Zusche
Humfr̃o de Bohun com̃ Hereford & Esseḡ	Joḡi ap Adam
Adomaro de Valencia comiti Pem- broch	Joḡi de la Mare
Henr̃ de Lacy com̃ Lincoln	Thome de Multon de Gillesland
Thome com̃ Lancast̃r	Wiffmo de Leyburn
Robto de Monte Alto	Wiffmo de Brewosa
Robto de Tony	Wiffo de Canti Lupo
Wiffmo le Vavassur	Joḡi de Ripariis
Henr̃ de Lancast̃r	Henr̃ Tregoz
Joḡi de Sudleye	Joḡi de Bello Campo de Sum̃s
Henr̃ de Percy	Joḡi Ext ^o neo
Walto de Faucumbge	Nicho de Seg ^o ve
Robto fit Rog ^o i	Robto de Scales
Hugoi de Curteneye	Petro Corbet
Joḡi fit Reginaldi	Thome le Latim
Wiffmo de Ros de Hamelak	Rado Basset de Drayton
Joḡi de Ferañ	Hugoi de Veer
Robto de Clifford	Robto fit Walto
Joḡi de Hasting	Hugoi le Despen
Thome de Furnivall	Joḡi de Seg ^o ve
Simoni de Monte Acuto	Petro de Malo Lacu
Wiffmo de Ferañ	Wiffmo le Latimer
Wiffmo de Grandi Sono	Thome Bardolf
Pḡo de Kyme	Thome de Multon de Egermund
Joḡi de Mouhun	Ade de Welles
Robto fit Pagani	Walto de Teye
Joḡi Engayne	Joḡi de Moubray
Fulconi fit Warini	Almarico de Sḡo Amando
Thome de Berkeleye	Edmo Deyncurt
Joḡi la Warre	Bogoni de Knovill
Rog ^o de Mortuo Mari de Wigemor	Joḡi Lovel de Tychemerss
Edmo Baroni Staff	Rog ^o la Warre
	Wiffmo Martyn

Eodem modo mand est subscript videt

Wifmo Inge	Gilbo de Knovif
Joñi Breton	Joñi de Batesford
Joñi de Donecaſtř	Walfo de Glouč
Joñi de Insula	Rog ^o Sauvage
Rog ^o de Bella Fago	Wifmo de Bereford
Henř de Sutton	Joñi de Mutford
Rado de Hengh ^m	Wifmo de Colneye
Wiffo de Ormesby	Wifmo le Vavassur
Petro Mallorre	Edmō Deyncurt
Wifmo Howard	Rog ^o de Hegh ^m
Joñi de Banquet	Wifmo de Mortuo Mari
Wifmo de Carleton	Joñi de Sandale
Mağro Roſto de Pikering	Joñi de Kirkeby
Thome de Cantebř	Joñi Randolf
Mağro Ričo de Abyndon	Roſto de Retford
Henř Spigurnel	Hervico de Staunton
Gilbto de Roubury	Ničo de Warř
Joñi de Berewyco	Galfřo de Hertelpol
Lambto de Thrikingh ^m	

R. vič Kanč ſaſtm. Quia die dñica px^a post feſtum Sçi Valentini pxio futuř apud Weſtm pponim^o Deo ppicio coronari / tibi pcepimus qđ diem illum p nře coronačois pdče celebrandis ſolempniis ordinatum in civitatibz burgis viſt mcatoriis in baſtia tua ubi videris expedire publice & ſolempni pclamari / et milites cives burgen ac alios de com pdčo quos fore videris invitandos ut dčis die & loco ſolempnizačoi pdče psonali inſint ex pte nřa fač invitari. Et hoc nullo modo omittas. T. R. apud Dovoř xviiij. die Jañ.

Conſ tre diř ſingulis vicecomitibus p Angl.

A
GENEALOGICAL HISTORY
OF THE
ANCIENT ROYAL FAMILIES
OF
ENGLAND.

PART II.

A

GENEALOGICAL HISTORY,

&c.

IN the respective catalogues of honour and nobility, published by Milles (the executor and nephew of Glover Somerset,) and by Ralph Brooke, York, (Heralds of Arms,) is contained the genealogical History of the Sovereigns of England from the Norman conquest: but sir William Dugdale, in his Baronage, has omitted all such account, contenting himself with mentioning only those younger male branches of the royal family, on whom any degree of hereditary honours was conferred.

This conciseness of sir William, has consequently excluded from notice, the eldest sons, and also the female issue of the respective kings; a circumstance not a little material, because a detailed genealogy of the royal family, would have rendered more complete the general history of the nobility, with whose families the sons and daughters of the crown were in those days very frequently intermatching.

To make up for this deficiency, the following analysis of the descent and issue, exclusively, of the ancient royal families of England, is given; in the hope, that in a collateral sense it will be viewed as a subject of utility, and serviceable in elucidating many passages in the pages of the Dormant and Extinct Baronage.

THE NORMAN RACE.

WILLIAM I.

Surnamed the Conqueror, was a natural son of Robert, the sixth duke of Normandy (in a continued descent from Rollo the Dane, the first duke of that country), begotten on one Arlotte, a skinner's daughter.* But bastardy, it seems, did not hinder him from enjoying his father's inheritance, who, undertaking a pilgrimage to the Holy Land, appointed him his successor.

* Rapin's
Hist. Eng.

He came to the dukedom very young, and though he met with much opposition, yet by his firmness, intrepidity, and resolute conduct, overcame all difficulties, and forced his competitors to yield him the quiet possession of his territories.

After this, his fame being high, and himself peaceably settled in his Norman government, he undertook the conquest of England, in which bold undertaking his success was complete; and having defeated and slain king Harold at the battle of Hastings, he was, upon Christmas-day anno 1066, crowned king of England, by Aldred, archbishop of York; at which time he caused the bishops and nobles of the realm to swear fealty to him before St. Peter's altar at Westminster.

To discuss his public actions either at home, or abroad; to detail his memorable achievements, his character, or the nature of his municipal conduct, would be foreign to the subject of this work. Historians, the proper recorders of such particulars, have amply given them,—the herald has only to notice what relates to the royal genealogy.

King William, while duke of Normandy, married Maud, daughter of Baldwin, earl of Flanders, a potent prince at that time, and very instru-

mental to him in his English expedition, by assisting him with large supplies of men and money. By her, who died in November 1083, and was buried at Caen in Normandy, he had four sons and six daughters. Of the sons,

Robert (surnamed *Curthose*), was the eldest, but did not succeed to the crown of England after his father's demise, who is said to have disinherited him of the throne, because he had raised a rebellion against him, though by his will he left him the dukedom of Normandy. As to the fact of disinherison, it may be questioned; his non-succession was probably more attributable to his being absent from the kingdom when his father died, and to the better fortune of his brother *William Rufus*, who, being at home, was thereby enabled to supplant him therein.

He however did not passively leave his brother in quiet possession of the crown, but raised an army to obtain his inheritance; nevertheless, he came into an agreement that *Rufus* should retain the same for life, and pay him a yearly annuity during that period, and settle the crown in reversion after his death.

When that event took place, duke *Robert* was again disappointed, and supplanted by his youngest brother, *Henry*; once more he raised an army to obtain his right, but was most unhappily defeated and taken prisoner at the battle of *Tencherbray*; after when, he was sent to England, and there kept a prisoner till his death, in 1134, about twenty-eight years after his captivity commenced. He was buried at *Gloucester*.

This duke was remarkable for his great courage, displayed on divers occasions in the Holy Land, and particularly at the taking of *Jerusalem* by the Christians, who, after the capture of that city, would have made him king, which honour he declined.

In his return from the Holy Land, he married *Sibil*, daughter of *Godfrey*, duke of *Conversana*, in Italy, and had issue two sons, *William* and *Henry*, of which the latter unfortunately lost his life in the *New Forest*, in *Hampshire*; and the former, who was called earl of *Flanders*, was slain in the battle of *Aelst*, anno 1128, about six years before his father's death. He was twice married, but had no issue.

Richard, second son of the Conqueror, lost his life accidentally in the

New Forest, Hampshire, in the lifetime of his father, and was buried at Winchester.

William, the third son, became king on the death of his father.

Henry, the fourth son, succeeded his brother William in the throne.

Of the daughters:

Cicely, the eldest, was born in Normandy, and was abbess of Caen, where she died, and was interred anno 1126.

Constance, second daughter, was wife of Alan Fergaunt, earl of Brittany and Richmond, but died issueless.*

Ela,† *Adelidis*, or *Adeliza*,‡ called third daughter by Sandford, but fourth by Ralph Brooke, was in her childhood contracted to Harold, king of England, but he refused her, and she afterwards died unmarried.

Adela,§ or *Alice*, fourth daughter (called third by Ralph Brooke), married Stephen, earl of Blois, by whom she had several sons; viz. William,—Theobald, earl palatine of Blois,—Stephen, who became king of England,—and Henry, who was first abbot of Bermondsey, after of Glastonbury, and by his uncle, king Henry I., made bishop of Winchester. He was a learned man, and wrote several books, particularly a history of finding king Arthur's bones. He was a very busy character in the contention between his brother king Stephen, and Maud, the empress. He founded the hospital of St. Cross, near Winchester, and built the castle of Farnham. He died in the reign of Henry II.—Maud, daughter of the princess Adela, married Richard, earl of Chester,|| but perished with her husband and the king's children, in that melancholy shipwreck on the coast of France, anno 1119.

Gundred, fifth daughter of the Conqueror, married William, earl Warren.¶

Agatha,** the sixth, called *Margaret* by Ralph Brooke, was affianced to Alphonso, king of Portugal, but died before marriage, and was buried at Bayeux in Normandy.

Besides these issue, the Conqueror had a natural son, who was called William Peverel, as under that article may be found elsewhere particularized.††

He had likewise, according to Dugdale,‡‡ an illegitimate daughter,

* Vide

Richmond.

† R. Brook.
Cat. Nob.

‡ Sandford.

§ Ibid.

|| Vide
Chester.

¶ Vide
Warren.

**Sandford.

†† Vide
Peverel.

‡‡ Vol. I.
p. 118.

begotten before the conquest of England, whom he afterwards gave in marriage to Asceur, the son of Edwyne, a Saxon thane in Norfolk.

King William died at Roan, in Normandy, in September 1087, in the sixty-fourth year of his age, and was interred at Caen.

He used the arms of Rollo the Dane; *viz.* G. Two Lions passant, guardant O. (^a)

WILLIAM RUFUS.

This prince was so surnamed from the colour of his hair. He was third, but second surviving son of the Conqueror, and having supplanted his elder brother Robert, was crowned at Westminster, the 1st of October, 1087, by Lanfranke, archbishop of Canterbury.

He died unmarried, 2nd of August, 1100, being accidentally slain by sir Walter Tyrrel, as he was hunting in the New Forest, Hampshire: he was aged 43. His body was brought to Winchester, and there interred in the cathedral.

(^a) The following story is told by William Wace, of the Conqueror's children:—

William required his parliament to inform him of the future destinies of his sons. The embarrassed assembly debated, hesitated, often adjourned; at last, a member desired the three sons to appear. Robert Curthouse came first: "Fine boy (says he); if you were a bird, of what species would you chuse to be?" "*A hawk.*"—William Rufus followed, and was asked the same question; to which he replied, "*An eagle.*"—Henry came last, and chose to be "*a starling.*" "Now, (says the sagacious member,) we can give an answer to the father. A *hawk* is a gallant brave bird, beloved, but feared: Robert will be like him, brave and valorous, but be taken by force, like that bird, and die in captivity. William, like an *eagle*, will be king, but be mischievous, cruel, feared, hated, and have an untimely end. Henry will be like the *starling*, peaceful and gracious."—Archæol. xiii. 243, sequen.

HENRY I.

Henry, the fourth and youngest son of the Conqueror, was born at Selby, in Yorkshire, anno 1070, and was bred at Paris,* some say at Cambridge, but very probably he had his education at both places. He became so accomplished a scholar, that he acquired the name of Beauclerk. * Sandford.

Upon the death of Rufus, taking advantage of the absence of his elder brother Robert, then returning from the Holy Land, he seized upon the royal treasure, and procured himself to be crowned king the fourth day after the decease of his brother William Rufus, the people expressing a great inclination to have him for their sovereign, as being the first prince of his family born in England.

He married to his first wife, Maud, daughter of Malcolm Canmore, king of Scots, at London, in the year 1100. She died in May, 1118, and was interred at Westminster Abbey. His second queen, whom he married 29th January, 1121, was Adeliza, daughter of Godfrey, duke of Lovayne, by which beautiful princess, who survived him, and after became the wife of William de Albini,† he had no issue; but by Maud, his first wife, he had one son, William, and a daughter. Of these— † Vide Albini.

William was born in 1102. When fourteen years old, his father caused the nobility to do him homage; and three years after he married Mary, daughter of Fulke, earl of Anjou, and the same year was made duke of Normandy; but shortly afterwards, as he was on his return to England from that country, he had the misfortune to be cast away in a lamentable and dreadful shipwreck, wherein perished with him divers of the English nobility, and many persons of great distinction; this event occurred in November, 1120. He was then in his eighteenth year, and had no issue.

Maud, only daughter of king Henry, was born in —, and was married to the emperor Henry IV. of Germany, when only in the twelfth year of her age. She was his wife eleven years, but had no issue by him. After his death her father sent for her to England, and had fealty sworn to her

by his nobility. She was next married to Geoffrey Plantagenet, son and heir of Fulk, king of Jerusalem, and by him had issue three sons; *viz.* 1. Henry, surnamed Fitz-Empress, afterwards king of England;—2. Geoffrey, styled earl of Pembroke (according to Sandford), to whom his father left the earldom of Anjou in reversion, upon the event of Henry, his elder brother, obtaining the English crown;—3. William, styled by some, earl of Poitou.

This eminent princess Maud, generally called the empress, is memorable for the resolution with which she contended with king Stephen for the British sceptre. She died at Roan in 1167, and was buried at Bec Abbey, in Normandy.

King Henry had by several females divers illegitimate children; of these, Robert became the first earl of Gloucester after the Norman conquest. (^b) This

Robert, commonly called the Consul, (^c) married Maud, or Mabell, eldest of the four daughters and co-heirs of Robert Fitz-Hamon, and had in her right the whole honour of Gloucester, (^d) as also a great inheritance in Normandy, and all the land of Hamon Dapifer, his wife's uncle.

This Robert was in those times a person of a great and undaunted spirit, never dismayed by misfortunes, and was esteemed the most valiant

(^b) As to what relates to the earls of Gloucester, some have obtruded one William Fitz-Eustace for the first earl, but Dugdale omits him; and it remains for opinion, whether he be not a fictitious person; yet certain genealogists have laboured much to make him the founder of the house of Howard, whose origin, though so greatly boasted, nevertheless lies buried in obscurity and uncertainty.

(^c) Sandford says, that he was begotten on Nesta, daughter of Rhees ap Tewdor, prince of South Wales; which Nesta was afterwards married to Gerald of Windsor, ancestor to the Windsor family in England, and to the Fitz-Geralds in Ireland.

(^d) It is said, that about the Norman invasion, one Bithric, a Saxon, was lord of Gloucester, against whom Maud (or Matilda), the wife of the Conqueror, was highly exasperated for the contempt of her beauty (for he declined to marry her), and so maliciously contrived his ruin; and when he was cast into prison, his estate was granted by the king to Robert Fitz-Hamon, who having received a blow on the head with a pole, lived a great while raving and distracted.

captain of that age. Impressed with a deep sense of the bounty and liberality of the king his father, he gratefully returned the same by a faithful adherence to his daughter Maud, the empress, in her contention for the crown with the usurper king Stephen, during which contest he performed many heroic and difficult actions; and nothing more testifies his great value, than that he was accepted as a sufficient exchange for king Stephen, when they were both prisoners to opposite parties. He died 12th September, 1147, having had issue four sons; *viz.* William, his successor; Roger, bishop of Worcester; Hamon, who died in the king's army, at the siege of Thoulouse, anno 1062,* and Philip:(^e) as also two daughters; whereof Mabel married Aubrey de Vere,† and Maud, Ranulph, earl of Chester.

* Rapin.

† Sandford's
Genealog.
Hist.

William, the next earl of Gloucester, upon levying the aid for marrying the king's daughter, 12 Hen. II., certified his knights' fees in Kent to be twenty-two and a half, and a third part; and elsewhere, two hundred and sixty and a half *de veteri feoffamento*, and thirteen and a half *de novo*; a strong testimony of his great estate and power.

He married Hawyse, daughter of Robert, surnamed Bossu, earl of Leicester, by whom he had a son Robert, that died in his lifetime; wherefore, on his own decease, 20 Hen. II., 1173, his three daughters became his co-heirs, who were—Mabel, married to the earl of Evreux, in Normandy; Amice, to Richard de Clare, earl of Hertford; and Isabel.

But to the end that his inheritance should not be divided among females, he constituted John, a younger son to Henry II., his heir, which John married the said Isabel, whom he afterwards repudiated, and she remarried Geoffery Mandeville, earl of Essex, who bore the title of earl of Gloucester, but died S. P.

The earl of Gloucester bore for arms, *viz.* Gules, three Rests, Or.

Reginald, second base son of king Henry, was begotten, as it is said by most authors, upon the daughter of sir Robert Corbet, of Alcester, in the county of Warwick. He was made earl of Cornwall the 5th of Stephen;

(^e) He is mentioned by Dugdale, but omitted by Milles and Brooke; who, instead, name a son Richard, bishop of Bayon, in Normandy.

but nevertheless, he became a stout adherent to the cause of the empress Maud, his half-sister, and for this his breach of loyalty to king Stephen, his earldom was seized by that monarch, and given to Alan, earl of Brittany and Richmond. The tide of affairs, however, afterwards changing, by Stephen being made prisoner at the battle of Lincoln, earl Alan was forced to make a full restitution of the earldom of Cornwall, whereof this Reginald ever after continued to enjoy the possession. He died 21 Hen. II., and was interred at Reading.

He married Beatrice, daughter of William Fitz-Richard, a potent man in Cornwall, and by her had four daughters, his co-heirs; *viz.* Hawyse, who married Richard de Redvers, earl of Devon; Maud, who wedded Robert, earl of Mellent; Ursula, wife of Walter de Dunstanville; and Sarah, who married the viscount of Limoges.

Upon the death of earl Reginald, king Henry II. retained the earldom of Cornwall in his own hands, for the use of John, his younger son, except a small proportion of lands which were given to the daughters before-mentioned.

It seems that earl Reginald, by Beatrice de Vaux, his concubine, lady of Torre and Karswell, had issue two natural sons, Henry and William; whereof the former, styled Henry Fitz-Count, was a person of great note in his time; and about the 4th of king John, gave twelve hundred marks for the lands of William de Traci; also in the 17th of the same reign, he had a grant from the said king of the whole county of Cornwall, with the demesne and appurtenances: but those were only given to him *in farm*, and not *as the earldom* of the county. He died circ. the 6 Hen. III., after when no further mention is made of him, otherwise than that he died in Gascoigne, without issue.*

* Cat. of
Nob. per
R. Brooke.

Earl Reginald bore for arms, *viz.* Gules, two Lions passant, guardant Or, a Batune Sinister Az.

Henry, third natural son of king Henry I., was slain in Wales, without issue.†

† Ibid.

Richard, fourth natural son, as appears by an ancient register in the abbey of Abingdon, was begotten on the widow of one Anskil. He

attended his father in his Norman wars, and at last was drowned with prince William in 1120.

Robert, another son, was born of Edith, the daughter of Forne, which lady was afterwards given in marriage by the king to Robert D'Oyley.

Osbert, the sixth natural son, is mentioned by the Norman monk, in his chronicle of that country, but no otherwise than his name.

William, another base son, was surnamed Tracy, and had for his inheritance the town of Tracy, in Normandy. He is by some supposed to be progenitor of the family of that name.

Maud, eldest natural daughter of king Henry, was married to Rotroc, earl of Perch, but was drowned with her brothers in the shipwreck before mentioned.

Maud, another daughter, was married to Conan, earl of Little Brittany, and had a daughter and heir, Bertha, who became the wife of Alan, earl of Brittany and Richmond.*

Julian, third daughter, married Eustace de Pacy, the illegitimate son of William de Britolio.

Constance, another daughter, was the wife of Roselin, viscount Beaumont, father of Richard, viscount Beaumont, whose daughter, Ermengard, married William, king of Scots.

Another natural daughter, whose name is not recited, married Bouchard de Montmorency, of the kingdom of France.

Elizabeth, the youngest daughter, begotten of Elizabeth, sister to Waleran, earl of Warwick, married Alexander, king of Scots.

Ralph Brooke, in his Catalogue of Nobility,† mentions a daughter Margaret, who was drowned in the shipwreck, with others of the king's children. This Margaret is unnoticed by Sandford in his History of the Royal Family; but as he states two daughters both called Maud (as here given on his authority), probably he may have misnamed a *Maud* for *Margaret*.

King Henry died of a surfeit, by eating of lampreys, at St. Denys, in Normandy, in December, 1135, and with him ended the male line of the Norman sovereigns in England.

* Vide
Richmond.

† p. 4.

STEPHEN.

Stephen, earl of Mortaigne and Boloigne, was third son of Stephen, earl of Blois, by Adela (or Alice), daughter of William the Conqueror, as before mentioned.

This Stephen, by the means of Henry his younger brother, bishop of Winchester, who craftily contrived to bring over a great part of the nobility to his party, was, after the death of Henry I., crowned king of England, by William, archbishop of Canterbury, at Westminster, on St. Stephen's day, anno 1135.

Having thus supplanted the succession of the empress Maud, sole daughter and heir of king Henry, the future years of his reign were passed in a series of contention between him and the empress, in which period the fortune of war sometimes favoured one party, and sometimes the other; (^f) the event, however, was a pacification, in which it was agreed, that Stephen should retain the throne for life; and after his death, that Henry, earl of Anjou, son and heir apparent to the empress, should succeed thereto.

King Stephen outlived this agreement only about two years, and dying in 1154, was interred in the monastery of Feversham, of his own foundation and that of Maud his queen, who was also there buried.

She was daughter and heir to Eustace, earl of Boloigne. The issue of her and king Stephen were three sons and two daughters.

Baldwin, the eldest son, died in his infancy, and was buried in the priory of the Trinity, within Aldgate.

Eustace, second son, in right of his mother, was styled earl of Boloigne, and so created by his father when he came to be king.

(^f) It is not an incurious circumstance, that while the empress was complaining of king Stephen as a usurper, she herself was the daughter of a person who before was a usurper, having supplanted his elder brother Robert in the throne.

This young prince was endued with a deal of martial courage, and was of very great promise, but died in the bloom of youth, before his father, anno 1152, in the 17th year of his age, and was interred at Feversham. He married Constance, sister* to Lewis VII. of France, but had no issue.

* Cat. of
Nob. per
R. Brooke.

William, third son, after the succession of Henry II., became earl Warren and Surry, in right of Isabel his wife, daughter and heir of William, the third Warren, earl Warren and Surry, but died S. P. in 1160.†

† Vide
Warren.

Maud, eldest daughter of king Stephen, died young, and was buried in the priory of the Trinity, within Aldgate.

Mary, the youngest daughter, first became a nun, and was abbess of the nunnery of Romsey, in Hampshire. But being secretly taken off from thence, she was married to Matthew of Flanders, brother to Philip, earl of Flanders, which Matthew, in her right, became earl of Boloigne,—she, by the death of her brothers, having become heir to that earldom. She had two daughters, whereof Ida married Reginald de Dammartin, and Maud became the wife of Henry, first duke of Brabant.

King Stephen had besides two natural sons, William and Jervais : the latter of which, being born in Normandy, was brought into England by his father, and made abbot of Westminster, which he retained for twenty years, and there died the 6 Hen. II., anno 1160, and was buried in the south part of the cloyster, under a black marble.

Ralph Brooke observes, that when king Stephen entered this realm, the sign being in Sagittarius, and obtaining a great victory by the assistance of his archers, he assumed the Sagittarius for his arms; viz.

G. a Sagittarius, O.

THE PLANTAGENET LINE.

HENRY II.

Henry, the second of that name, born in Normandy, was eldest son of Geoffrey Plantagenet, earl of Anjou, (^g) by Maud the empress, daughter and sole heir of Henry I. of England, before mentioned.

No sooner was Stephen dead than this Henry was proclaimed king, being the undoubted heir to the throne by descent, and entitled to the succession under the articles of compact, entered into with the deceased sovereign.

He began his reign the 20th of October, 1154. The first homage he received of the nobility was at Winchester; from whence coming to London, he was crowned at Westminster by Theobald, archbishop of Canterbury, in the month of December of the same year, being then twenty-three years of age.

He married Eleanor, daughter and heir of William, duke of Aquitaine, (the repudiated wife* of Lewis VII., king of France). She was a woman

* Mezeray,
p. 246.

(^g) This Geoffrey was son of Fulke, king of Jerusalem. As to the name of Plantagenet, it seems to have been at first no more than one of those soubriquets, or nick-names, then so common; whereof, according to Skinner and Buck, the first that was so called, was Fulk Martel, earl of Anjou, in the 10th century. That nobleman is said to have contrived the death of his nephew, Drago, earl of Brittany, in order to succeed to that earldom; in atonement for which murder, his confessor sent him to Jerusalem, attended only by two servants, one of whom was to lead him by a halter to the holy sepulchre, the other to strip and whip him there, like a common malefactor.—*Broom*, in French, *genet*, in Latin, *genista*, being the only good whipping shrub in Palestine, the noble criminal was smartly disciplined with it; and, from the instrument of his chastisement, called *Planta-genista*, or Plantagenet.

of a great and haughty spirit, and was the primary cause of those long wars which for so many years afterwards continued between the countries of England and France ; and was also the fomentor of that unnatural discord which ensued between her husband and his sons.

King Henry, after a reign of thirty-four years, not without glory, though embittered by domestic troubles, died at Chinon, in Normandy, in July, 1189, and was buried at Fontevraud, where his queen, who survived him and died in the year 1200, was likewise interred. They had issue six sons and three daughters. Of these,

Maud, the eldest, was born in 1157, and espoused to Henry V., surnamed Léo, duke of Bavaria, which marriage was afterwards consummated in 1167, and from the issue whereof is descended the present sovereign on the British throne.

Eleanor, the second daughter, was born at Roan, in 1162, and married Alphonso, king of Castile.

Joan, the third daughter, was born at Angiers, in 1166, and in 1177 was married to William, king of Sicily and duke of Apulia ; after whose death, she wedded secondly, Raymond, earl of Thoulouse. In the conclusion of her life, she took upon her the habit of nun, at Fontevraud, where she died and was buried, in 1195.

William, eldest son of king Henry, was born in 1152, in Normandy, to whom the nobility of England afterwards, in the fourth year of his age, swore fealty at Wallingford in Berkshire, as heir apparent to the crown ; but he died the year following, and was buried in the monastery of Reading, at the feet of his grandfather, king Henry I.

Henry, the second son, was born in 1154, and after the death of his elder brother William, was heir apparent to the crown : at four years of age he was affianced to Margaret, only daughter of Lewis VII., king of France, to which king he did homage for the dukedom of Normandy and the earldoms of Anjou and Maine ; and held, by the gift of his father in law, the seneschally or stewardship of France, an office first granted to Geoffrey Grisognella, count of Anjou, by Robert, king of France, for his eminent service against Otho the emperor.

In the sixteenth year of his age, his father caused him to be crowned ^(h) king of England in June 1170, and three years afterwards, his marriage with the abovementioned princess Margaret of France, was consummated; and he was a second time crowned with her, by the archbishop of Roan.

But notwithstanding all this indulgence and confidence shewn him by his royal father, he forgot all manner of duty and paternal love, and broke out into open rebellion, which contention between father and son lasted long, but at length terminated by the death of the young king, who died at the castle of Martel, in Touraine, in 1182, in the twenty-seventh year of his age, S. P. and was buried at Roan.

Richard, the third son, upon the death of his father, succeeded to the crown.

Geoffrey, fourth son, born in 1158, married Constance, daughter and heir to Conan, earl of Little Britain and Richmond, with whom he had those honours. He was also earl of Anjou and Poitiers, and according to Milles* had the stewardship of France. He died at Paris, Sept. 1186, in the twenty-eighth year of his age, and was buried in the canon's choir of St. Mary's church. He had issue, by Constance his wife, who survived him, and died in 1201, a son Arthur, and a daughter called Eleanor, who being seized upon by her uncle, king John, was confined in the castle of Bristol, and prolonged her miserable days to the 25 Hen. III. when, anno 1241, she died without issue, and had sepulture in the church of the nunnery at Ambresbury.

* Cat. of
Hon. p. 596.

Arthur, stiled earl (or duke) of Brittany, only son and heir of Geoffrey, was proclaimed king of England, as it is said, after the death of his uncle Richard, and being aided by Philip, king of France, whose daughter he

(^h) On this occasion the old king served his son himself at table, whereupon the archbishop of York said to the young king, "Your majesty may rejoice, for there is no prince in the world, that hath this day such a waiter at his table as you have." Wonder you so much at that, my lord, said the young king, "doth my father think it an abasement for him being descended of royal blood only by his mother, to serve me at the table, who have both king to my father, and a queen to my mother."—Camden's Remains, p. 222.

had married, he took up arms to defend and maintain his right, but he had the misfortune to be made prisoner by his uncle John, who had established himself upon the English throne. That unfeeling monarch is considered to have had him made away with, but historians disagree as to the manner. Suffice it, therefore, to observe that he died without issue, circ. 1202.

Philip, the fifth son, mentioned by Ralph Brooke,* but unnoticed by Sandford, died young, and was buried in St. Paul's church, in the city of London. * Cat. of Nob. p. 8.

John, sixth and youngest son, was successor to his brother Richard in the throne.

Besides these children, king Henry had three natural sons: of these,

William, surnamed Longespee, became earl of Salisbury, by reason of his marriage with Ela, daughter and heir of William D'Eureux, earl of Salisbury.

This William was a person of infinite courage, and one of the best soldiers of his age. He was one of those who recommended to king John to disregard the Pope's interdict, and was in such favour with that prince, that when dying, he committed to his care the training up of his son, Henry III. He died 10 Hen. III., 1226, not without suspicion of being poisoned by Hubert de Burgh, earl of Kent, and was first buried at Old Sarum, but afterwards removed to the new cathedral, where his body was interred in a tomb of wood, richly painted and gilt.† By the aforesaid Ela his wife, who survived him, he had four sons and five daughters. Of the sons, William was his successor; Richard was a canon of Salisbury, and lies interred at Lacock; Stephen was chief-justice of Ireland, and had the title of earl of Ulster; (i) and Nicholas was bishop of Salisbury, who died in 1297, at a very advanced age, and was buried near his father, under a large marble.‡ Of the daughters, Isabel married William, lord Vescy; Ela was wife, first of Thomas, earl of Warwick—and, secondly of † History of Salisbury.

(i) Vincent says, that he married Emmeline, countess of Ulster, and had a daughter who married Roger de la Souche. She seems to have been named Emmeline; and her mother to have been widow of Hugh de Lacy, earl of Ulster.—Pat. Rot. 50 Hen. III. m. 10. ‡ Ibid.

Philip Basset, of Hedendon; Ida, of Walter Fitz-Robert; Petronella died young; Ela, jun. wedded William de Odingsells.*

* Vincent
on Brooke,
p. 446.

William, the next earl, also called Longespee, was an eminent warrior, with whom Henry III. being displeased, because being signed with the cross, he went to the Holy Land without leave, took from him his earldom and castle of Salisbury. Notwithstanding which, he went into Egypt with St. Lewis, king of France, and, fighting valiantly in the midst of his enemies, near Damietta, died in the bed of honour. He married Idonea, daughter and heir of Richard de Camville, and, among other issue, had

William, his son and heir, who does not appear to have been ever restored to the title of Salisbury. He married Maud, daughter of Walter, lord Clifford; (^k) and, dying in the flower of his age 41 Hen. III., left

Margaret, his daughter and heir, commonly called countess of Salisbury, who married Henry de Lacy, earl of Lincoln,† and had issue an only daughter (^l) and heir,

† Vide Lin-
coln.

‡ Vide Lan-
caster.

Alice, who became the wife of Thomas, earl of Lancaster,‡ who being outlawed, king Edward II. seized upon the lands which she had made over to her husband; some of which, *viz.* Tenbrigge, Winterbourn, and Ambresbury, with other manors, king Edward III. gave§ to William de Montacute, to hold in as full and ample manner as ever the same had been holden by Margaret, countess of Salisbury, or her predecessors.

§ Rot. Cha.
11 Edw. III.
n. 54.

Longespee bore for arms, *viz.*

Az. six Lions rampant, O. 3. 2. & 1.

Geoffrey, second natural son of king Henry, was first made archdeacon, and after bishop of Lincoln, which see resigning, he was constituted

(^k) She afterwards married John Giffard, of Brimsfield, and had issue three other daughters and co-heirs; *viz.* Catharine Giffard, Alianora Giffard, and Maud Giffard.—Rot. Orig. Scaccari. 27 Edw. I. Rot. 23.

(^l) Dugdale states that she afterwards married sir Walter Walrond, knight, by whom she had three daughters;* and yet under Walrond † he calls the wife of the said Walter, Isabella, and asserts that he died the 2nd of king John. It is evident that Dugdale has made an error in the one relation or the other.

* Dug. Bar.
Vo. I. p. 179.
† *ib.* p. 670.

chancellor of England, and by Richard I. was made archbishop of York. But afterwards, not according with king John, he had his whole estate seized, whereupon he left the kingdom, and, after five years' banishment, died in 1213. (^m)

Morcar, the third son, begotten on the wife of sir Ralph Bloet, knight, is said, by some authors, to have been provost of Beverley, and bishop of Durham.

RICHARD I.

Richard, third, but eldest surviving son of king Henry II., was born at Oxford, in 1157. During his father's lifetime he was concerned with his elder brother, Henry, in that unnatural war, so obstinately carried on against their parent.

After the sollemnization of his father's funeral, he caused himself to be proclaimed duke of Normandy, at Roan, on the 20th of July, 1189, and on that day was girt by the archbishop of Roan, in the presence of the bishops, earls, and barons of Normandy, with the sword of that dukedom; for that, according to Hovedon,* was the form of investiture.

After this, having settled his affairs in France, he came over to England, where he was solemnly crowned king by Baldwin, archbishop of Canterbury, in Westminster Abbey, in the month of September, 1189; on which occasion, when Baldwin administered the customary oath, he reminded his majesty, that, though from the time of William the Conqueror, there was

* R. 654,
Brompton,
p. 1155.

(^m) This bishop was accustomed in his protestations and oaths to say, "*By my faith, and the king my father:*" but Walter Mapes, the king's chaplain, told him, "You might do as well to remember sometimes your mother's honesty, as to mention your father's royalty."—This bishop (Geoffrey), in all his instruments passing from him, used the style of *G. Archiepiscopus Eborum*; but in the circumference of his seal (to notify his royal parentage), *Sigillum Galfridi filii Regis Anglorum*.—Vide Mapes de Nugis Curialium, and Camden's Remains, p. 224.

no king but who had taken the oath, yet not one had been careful to perform it; he therefore conjured him withal, in the name of God, to be mindful of the vows and oaths he had just taken, on accepting the royal dignity: to all which, Richard made answer, "that, by God's assistance, he would punctually perform them all." The *second day** after his coronation, he received the homage of all the great men.

* Hoved.
p. 657-8,
Brompt.
p. 1160.

The reign of this prince was short, and if not advantageous to the country, yet glorious to himself, in point of the reputation he acquired for magnanimity, courage, and military fame, which occasioned him to be surnamed "Cœur de Leon." He died the 6th April, 1199, and was buried at Fontevraud, in France, at his father's feet.

† Brompt.
p. 127-8.
Diceto. p.
705.

He was first contracted in marriage in his infancy to a daughter of Raymond, count of Barcelona; but when he was grown up, he was affianced to Alice (or Adela), daughter of Lewis VII., king of France, neither of which he married.

Afterwards in his journey to the Holy Land, he married Berengaria, daughter to Sanche VI., king of Navarre, a virtuous, discreet, and beautiful princess, who adventured with him many dangers both by sea and land, in that famous expedition.

King Richard, however, had no legitimate issue. But he is stated to have had a natural son, Philip, to whom he bequeathed the lordship of Cognac, in the duchy of Guienne; and also a natural daughter, Isabel,† who was first married to Llewellyn, prince of Wales, and afterwards‡ to William Fitz-Adhelm, steward to Henry II., to whom, if so, she was a second wife, as his first was Julian,§ daughter of Robert Doisnell.

† Cat. of
Nob. per
R. Brooke.

‡ Anderson's
Genealog.
Tab.

§ Dugd.
Vo. I. p. 693.

King Richard is recorded to have been the first English monarch who carried in his shield, *viz.*

G. three Lions passant, guardant, O.

For it is said, that it does not appear that the Norman kings, the predecessors of Richard, bore any arms, at least those ascribed to them, which it is considered that the following ages assigned to them, merely for distinction of the Norman line, from that of Plantagenet.

JOHN.

Upon the death of king Richard, though he made his brother John his heir to all his dominions, John's title was not thereby rendered incontestible. How absolute soever a prince may be in his lifetime, as soon as his eyes are closed, his last will is no further regarded than as consonant to the laws, unless supported by force. In the affair of the succession, by reason of Richard dying without issue, two queries offered, not easy to be decided. The first was, whether, according to law, Arthur, duke of Bretagne (or Brittany), as representing his father Geoffrey, elder brother of John, had as much or more right than his uncle John, who was one degree nearer?⁽ⁿ⁾ In the second query, the point was, whether, in case the law favoured the nephew, Richard had power to dispose of his dominions, by a will contrary to custom?

Two things rendered the decision of these queries difficult. First, the diversity between the laws of the several states, this succession consisted of. Secondly, in the kingdom of England, the largest and most considerable part, there was no settled law concerning the succession to the crown, by which the kings were allowed, or debarred the power of disposing of it at pleasure.

And if, for want of such a law, the English history had been searched for examples to establish a precedent, that method would have been no less perplexing. From the conquest to this æra, there had been no occasion to establish or exclude the right of representation in respect to the crown. It may be true, that in running over the times of the Saxon monarchy, several instances might have been found; but as there were others directly opposite, it was not easy to decide the matter upon such a reference for authorities. Besides, it was now above one hundred years since the

(ⁿ) This question appears similar to the point insisted upon, in the claim made by Bruce against Baliol, as to the succession to the crown of Scotland, temp. Edward I.

Saxon laws and customs were in force, the Normans having introduced a new system into the kingdom. The strongest argument in favour of John was, that there was no established law against him, and he had his brother Richard's will in his favour.

On the other hand, in most of the provinces possessed by the English in France, the right of representation in the lineal descent, was generally received. This important affair, therefore, would have been liable to great discussions, had it been to be determined in a court of justice, or in the general assembly of the states, where, in fact, the grand question alone was cognizable.

But John did not think proper to commit his pretensions to any tribunal; on the contrary, he judged that promptitude and diligence were a more effectual means to gain his point, than an appeal to a decision which might be to his disadvantage.

If he did not believe his right to be indisputable, his ambition would not permit him to be more scrupulous to his nephew Arthur, than William Rufus or Henry I. had been to their elder brother Robert. Be this as it may, being then abroad, he lost no time, and despatched two confidential agents, *viz.* Hubert, archbishop of Canterbury, and William Marshall (afterwards earl of Pembroke), into England, enjoining them to act in concert with the queen his mother, and the chief justiciary, who had been for some time in his interest. The justiciary had great power during the *inter regnum*; the archbishop was at the head of the clergy; Eleanor, his mother, was extremely beloved and respected in the kingdom, and William Marshall was a person distinguished by his great merit and abilities. These four persons, on whom he relied, served him with zeal and success—so much so, and so effectually, that, having himself come over to England, and arrived in London, he was crowned on Ascension-day, the 6th of the calends of June, anno 1199, in Westminster Abbey, by Hubert, archbishop of Canterbury.

But before the ceremony began, Hubert made the following speech to the nobility and people assembled; * *viz.*

* Matt. Par.
p. 165.

“ No person can have a right to the crown of this kingdom, unless, after humbly invoking God's holy spirit, he be first unanimously elected for his

extraordinary virtues, and then solemnly anointed king, after the example of Saul and David, whom God was pleased to set over his people, though neither was the son of a king, or royally descended. The former was chosen for his valour—the latter for his humility and piety: it pleased God that such as were to be clothed with sovereign power, should be eminently distinguished by their virtues. If, therefore, any one of the family of the late king excels the rest, we ought readily to consent to his election.

“ I speak this in favour of the noble duke, John, here present, brother to our illustrious king, Richard, who died without issue: this prince being endowed with all sorts of virtues, and particularly with great valour and prudence, as well in respect of his merits as birth, with the invocation of the Holy Spirit, we elect king.”

After this short harangue, the archbishop set the crown on John's head, having first administered to him the customary oath.

To understand the motive of this speech is very easy and clear. The result confirmed the ambition of John, and was so far advantageous to him, that while it gave him a title by his coronation, it put it on the people of England to support the object of their choice. It should not, however, be passed over, what some authors affirm,* namely, that the whole assembly was surprised at the archbishop's discourse, who, on being asked the reason for so extraordinary a proceeding, replied, “ That it was proper to let him know that he mounted the throne by election, and not by hereditary succession, to the end he might always remember, that those who gave him the crown had likewise the power to take it away.”

* Matt. Par.
p. 166.

John was thirty-two years of age when he mounted the so-much-desired throne, which eventually only tended to render him more unhappy, and plunge him into misfortunes; for in the king of France, the Pope, and his own nobility, he had three most formidable and inveterate enemies; the first, a prince of great policy and ambition; the second, a pontiff of insufferable pride and no conscience; the third, a set of persons of an uncontrollable and turbulent spirit. (°)

(°) It is related to the honour of this monarch, that, when a certain person once shewed him where a nobleman, who had borne arms against him, lay honourably interred, and

King John was twice married ; his first wife was Isabel, eldest daughter and co-heir of William, earl of Gloucester, to whom he was married when earl of Mortaigne ; but after ten years' cohabitation, having no issue by her, he, upon the pretence of being allied within a forbidden degree of consanguinity, divorced her in the first year of his reign ; and afterwards re-married with Isabel, daughter and heir of Aymer, earl of Angoulesme, by which princess he had two sons and three daughters.

Henry, his eldest son, was his successor.

* Matt: Par.
p. 272, and
Sandford.

Richard Plantagenet, second son of king John, in the eighteenth year of his age, was first knighted, and then made earl of Poitou and Cornwall.* This prince is said to have attained great acquirements, to have been expert and valiant in war, and so solid in council, that what fortune denied him in battle, he supplied by his conduct and advice. He got prodigious sums of money by farming the mint, and the jewels of the king ; and it is related that by money he purchased the kingdom of the Romans, which he hoped would soon have reimbursed him ; but instead, it proved to him a field of trouble, disappointment, and vexation, so that he was obliged to return into England a poorer king, than he went out an earl.

In the time of the great disaffection of the barons, he firmly adhered to king Henry, and commanded the body of the royal army in the unfortunate battle of Lewes, and was there taken prisoner.

But those troubles of the realm he lived to see over, and having acted a long part on the theatre of the world, with much honour, he at length died, after a tedious sickness, at his manor of Berkhamstead, in the county of Hertford, 56 Hen. III., and was buried in the abbey of Hales, which he had founded. He had three wives ; (P) the first was Isabel, third daughter and co-heir of William Marshall, earl of Pembroke, by whom he had four sons, and a daughter Isabel, who died an infant. The sons were,

John, who died young, as also did Richard the third son, and Nicholas the fourth, who, together with his mother, died in childbed ; but

advised the king to deface the monument, his majesty replied, “ *No, no ; but I would all the rest of mine enemies were as honourably buried !* ”—Matt. Paris, cited in Camd. Rem. p. 228.

(P) Dugdale says, he had been contracted before to Roese de Dover, but when she arrived to years of consent, she refused, and took another husband.

Henry, the second son, who, with his father, was taken prisoner in the battle of Lewes; having afterwards undertaken the crusade, and being at Viterbium, in Italy, on his return from thence, was murdered there, in the church of St. Laurence, by Guy, one of the sons of Simon Montfort, earl of Leicester, (the general of the rebellious barons, who had been slain when the royal army prevailed over them at the battle of Evesham,) in revenge for his father's death.

The second wife of Richard, earl of Cornwall, was Sanchia, daughter and co-heir to Raymond, earl of Provence, ^(q) by whom he had a son Richard, who died young, and Edmund his successor; his third wife was Beatrice, niece to Conrade, archbishop of Cologne, who survived him, but by her he had no issue ^(r).

Edmund, who succeeded his father, had the government of England entrusted to him, in the absence of Edw. I. beyond sea, and also a second time, when that monarch went to meet Philip, king of France. He married Margaret, daughter of Richard, and sister to Gilbert de Clare, earl of Gloucester, ^(s) but died without issue 28 Edw. I., and was buried by his father in the abbey of Hales, whereupon his great inheritance returned to the king, he, as the lawyers then termed it, *being found next a-kin, and heir at law*.

This Richard, earl of Cornwall, bore for arms, *viz.*

Arg. a Lion rampant, G. crowned Or, within a Bordure. S. Bezantee.

(q) She was sister to Eleanor, queen of Henry III. being one of the four daughters of an earl, that by marriage were all raised to the throne of four kings, an example, rarely if at all, to be paralleled in history. Margaret, the first, married Lewis IX. king of France; Eleanor, the second, Henry III. king of England; Sanchia, the third, this Richard, king of the Romans; and Beatrice, the youngest, Charles, king of Sicily.

(r) He had issue also two natural sons and a daughter; the first called Richard de Cornwall, ancestor to the family of Cornwall, titular barons of Burford; the other, Walter ——. The daughter, Isabella, (whom Henry III. called niece) was wife of Maurice, lord Berkeley, from whom the several flourishing families of Berkeley derive their descent.

(s) It is worth notice, that Dugdale, in the Clare family, does not mention any such daughter as Margaret; although, under this head of Cornwall, he makes her the wife of earl Edmund.

Joan, the eldest daughter of king John, was married to Alexander II. king of Scots, at York, anno 1221, in the presence of king Henry III. her brother. Afterwards, coming to England upon a visit to him, she died at London, without issue, in 1238, and was buried in the nunnery at Tarent, in Dorsetshire.

* Vide
Pembroke.

† Vide
Leicester.

Eleanor, the second daughter, married William Marshall the younger, earl of Pembroke,* but he dying, left her a widow, without issue, and she married secondly, Simon Montfort, the gallant earl of Leicester.†

Isabel, the youngest daughter, was born in 1214, and married Frederick II. emperor of Germany; with him she lived six years, and then to his great grief, died in childbed, anno 1241.

Besides these, king John had divers natural children, *viz.*

Richard, who married Rohesia de Dover, as under that article will be found elsewhere recited.‡

‡ Vid. Dover.

Geoffrey Fitz-roy, another illegitimate son, who when his father was not permitted by archbishop Hubert, to transport his army from Portsmouth into France, was sent with the same army to Rochel, and there died.

Sir John Courcy, says the monk of Gloucester, was another base son, and was brought up at the priory of Stoke Courcy, Somersetshire, and was afterwards made earl of Ulster, in Ireland; but this must be erroneous.

Osbert Giffard is mentioned as a fourth natural son, to whom his father gave 30*l.* lands in Oxfordshire, of the estate of Thomas de Ardern.

Oliver, a fifth illegitimate son, is mentioned in records in the reign of Henry III. He was a military man, and at the siege of Damietta, with Sayer de Quincy, earl of Winchester, and divers others of the English nobility.

§ Vide
Braose, of
Gower.

Joan, a natural daughter of king John, by Agatha, daughter of William, earl Ferrers and Derby; she was first married to Llewellyn, prince of Wales, and had issue by him, two daughters, and a son David. Of the daughters, Wentiliana, or Joan, married sir Reginald de Braose, and Margaret wedded John, son of the said Reginald, and had issue William, lord Braose, of Gower, &c.§

King John died the 14th of the calends of November, 1216, and was buried at the cathedral of Worcester, leaving Isabel, his second wife, sur-

viving, who remarried with Hugh le Brun, earl of the Marches of Aquitaine, and Lord of Lusignan and Valence, in Poictou, by whom she had divers children, who were greatly advanced by Henry III. ; whereof William de Valence was created earl of Pembroke, as under that head is set forth.*

* Vide
Pembroke.

HENRY III.

Henry, son and heir of king John, was born at Winchester, in October, 1206 (or 1208), and on the 28th of October, 1216, he was crowned at Gloucester by Peter, bishop of Winchester, and the administration of the government, with the tuition of his person, committed to William Marshall, the elder, earl of Pembroke.

After the defeat of the confederated barons at Lincoln, and the amicable agreement entered into with Lewis the dauphin, at London, the peace of the realm being somewhat restored, and the French expelled the kingdom, he was again crowned in 1219, at Westminster.

The reign of this monarch was upwards of fifty-six years, a period of time fraught with great troubles and vicissitudes of events; and memorable, inasmuch as the power of the nobility had at one time triumphed compleatly over the royal authority, yet finally was overcome, and so reduced as never afterwards to be able to recover its former importance, or wonted turbulence to controul the functions, and legitimate exercise of the sovereignty.

King Henry died the 16th of November, 1272, in the sixty-fifth year of his age, and was interred at Westminster⁽¹⁾.

He was married at Canterbury, in January, 1236, to Eleanor, second daughter and co-heir of Raymond Berenger, earl of Provence. She was his wife thirty-seven years, and his widow nineteen. At last, she died a nun,

(1) His heart was given to the abbot of Font-Ebraud, to be buried in that monastery, according to the king's promise; whereupon the said abbot came to England to demand and receive the same.—Pat. Rot. 20 Edw. I. m. 28—3.

at Ambresbury, in the county of Wilts, anno 1292, and was there interred. They had issue, *viz.*

Edward, successor to his father.

Edmund, second son of king Henry III., surnamed Crouchback, was first made earl of Chester,* but that title was revoked, and given to his eldest brother, afterwards by the Pope he was invested in the kingdom of Sicily and Apulia, but this specious gift, it is well known came to nothing; so that his real and intrinsic honour was that of the earldom of Lancaster, (°) which by grant of his father he obtained the day before the calends of July, 1267, the 51st Hen. III.† having before had conferred on him the inheritance of the earldom of Leicester, with the stewardship of England,‡ together with the honour of Derby, and the castles, manors, and lands, forfeited by Robert de Ferrers, earl of Derby, and Simon de Montfort, earl of Leicester, to hold to himself and the heirs of his body; moreover, he (ⁿ) had a grant of the honour and castle of Monmouth, to hold to himself and the heirs of his body, the same having been released to him by his brother, prince Edward, to whom they had been aliened,§ by John de Monmouth, formerly lord thereof.

† Chart.
Rot. 51 Hen.
III. m. 4.
‡ Rot. Pat.
49 Hen. III.
m. 4.

§ Pat. Rot.
40 Hen. III.
m. 3.

|| Vide
Albemarle.

This noble earl performed many worthy exploits, and in general was well esteemed by the nation, but at last having sate down before Bourdeaux, in France, with a considerable force, and not being able to take the place, his ill success so much affected him, that it brought on a sickness which terminated his life, at Bayonne, 24 Edw. I., from whence he was brought over to England and honourably interred in the abbey at Westminster. One circumstance adds gloriously to his memory, namely, that he commanded, "*that his body should not be buried till his debts were paid.*" He was twice married: his first wife was Aveline, daughter and heir of William, earl of Albemarle,|| but by her he had no issue. His second was Blanch, daughter to Robert, earl of Artois (a younger son to Lewis VIII. king of France), by

(°) Collins writes, that the first earl of Lancaster after the conquest was Robert de Poictou, a younger son of Roger de Montgomery, earl of Arundel, who was so made by William the Conqueror; but taking part with his brother Robert de Belesme, he was banished England; after when Henry II. gave his great inheritance to Ranulph de Gernun, earl of Chester.

(ⁿ) He was also earl of Ponthieu.—Pat. Rot. 13 Edw. I. m. 30.

whom he had three sons, Thomas, Henry, and John, and a daughter, which John died in France with his sister. Of the sons,

Thomas, the eldest, succeeded his father, and the 26 Edw. I. being then reputed of age, doing his homage, had livery of his lands, excepting the dowry of Blanch his mother, surviving.

In the 4th Edw. II. having married Alice, sole daughter and heir of Henry de Lacy, earl of Lincoln, doing his fealty he had livery of the castle of Denbigh, and other lands of her inheritance. After when, being considered a person of great integrity and zeal for the public welfare, he was made choice of for the general of those nobles and great men who had confederated together for a redress of grievances, and against the exorbitant power of Piers de Gaveston, the king's great favourite. From this period he was appreciated as the bulwark of the liberties of the people, in whose service he at length fell a martyr, being taken prisoner at the skirmish at Boroughbridge, 15 Edw. II., from whence he was conducted to Pontefract, and there beheaded, while divers other great and eminent men, who were sacrificed to the revenge and malice of the king and of the Spencers,* suffered at York; having no issue, Henry his brother became his heir, which

* Vide Rapin's History of England.

Henry, notwithstanding the attainder of his brother, yet found so much favour, that he obtained livery of his lands, and 17 Edw. II. had allowed, that he should thenceforth enjoy the title, name, and honour of earl of Leicester, and be so written in the king's courts. Moreover the 1st Edw. III. in the parliament begun at Westminster, he obtained an act for reversing the attainder of Thomas, earl of Lancaster, his brother, and thereupon repossessed all the lands and lordships which had been seized by reason thereof, *viz.* the earldoms of Lancaster and Leicester, and in the same year he was constituted captain-general of all the king's forces in the marches of Scotland. He died 19 Edw. III. and was buried at Leicester. His wife was Maud, daughter and heiress of Patrick Chaworth, by whom he had issue six daughters, *viz.* Maud, married to William de Burgh, earl of Ulster; another to Ralph, son and heir to the earl of Suffolk; Blanch, to the lord Wake; Eleanor, to Richard, earl of Arundel; (†) Isabel, prioress of Am-

(†) Milles says, she was married first to John, son of Henry, earl of Buquhan, in Scotland, and after to the earl of Arundel.

bresbury; Jane wedded to the lord Mowbray; and Mary to the lord Percy. Also one son,

* Cha. Rot.
11 Edw. III.
n. 50.

† Ibid.
23 Edw. III.
n. 4.

Henry, who, the 11th Edw. III. was created earl of Derby in his father's life-time,* during which period he had greatly signalized himself in the wars of France, particularly in that great naval fight with the French at Sluys, 14 Edw. III. nor on many other occasions, were his valour and conduct less distinguished. The 23 Edw. III. he was created earl of Lincoln;† and 25 Edw. III., he was advanced to the dignity of duke of Lancaster, with power to have a chancery in that county of Lancaster, as also to enjoy all other liberties and regalities belonging to a county palatine, in as ample a manner as the earl of Chester was known to have within that county, (²) and about the same time was constituted admiral of the king's whole fleet from the river Thames westward. The same year, having obtained license to go abroad, to fight against the infidels, he was surprised in his journey, and was constrained to give three hundred scutes of gold for his liberty, which surprisal being made by the duke of Brunswick's means, he so resented the same unworthy conduct, that the said duke sent him a challenge, which having accepted, a day was appointed for the combat; but when it arrived, the duke of Brunswick was in so great a panic, that he could not wield his sword, shield, and lance; while the duke of Lancaster, with the most firm and determined courage, in vain expected his coming: they were, however, afterwards reconciled by the interference of the king of France; and thus duke Henry acquired immortal renown, whilst his adversary was covered with ignominy in the opinion of all brave men. In short, during the whole of his life, his years were a series of heroic and noble actions; and as he lived beloved by his king and country, so he died by both sincerely lamented, 35 Edw. III., and was buried in the collegiate church at Leicester. By Isabel, his wife, daughter of Henry, lord Beaumont, he had issue two daughters, his heirs; viz. Maud, married, first to Ralph, son and heir of

(²) Rex concessit Henrico, duci Lancast. quod infra eundem comitatum habeat cancellar, suam, et alia jura regalia prout comes palatinus Cestriæ: et quod duos milites pro communitate comitatus predicti, et duos burgenses pro quolibet burgo infra comitatum predictum mittat ad parlamentum.—Rot. Pat. 25 Edw. I. pars prima, m. 18.

Ralph, lord Stafford, and after to William, duke of Zealand ; and Blanch, unto John of Ghent, earl of Richmond, a younger son of king Edward III., as among the issue of that monarch will be found particularly set forth.

This family bore for arms, *viz.*

G. three Lions passant Or. ; a Label of five Points, with a Fleur-de-lis, Or. (Milles).

Richard and *John* died young, and were both buried at Westminster.

William died young, and had sepulture in the New Temple, at London.

Henry also died young, and was buried at Westminster.

Margaret, the eldest daughter, was born in 1241, and married Alexander III., king of Scotland, in which kingdom she died, and was buried at Dumferling. (^{2a})

Beatrice, second daughter, was born at Bourdeaux, in 1242, and married John, duke of Brittany and earl of Richmond, as under that article may be seen.*

* Vide
Richmond.

Catherine, third daughter, born in London, anno 1246, the 30th of her father's reign, died young, and was buried with her brothers at Westminster.

EDWARD I.

Edward, eldest son of Henry III., was born at Westminster, in June, 1239.

During the contentions between king Henry and his barons, at the latter part of his reign, this prince displayed great talents, courage, and activity.

At the time of his father's death, he was in Palestine, where he was treacherously wounded by a Saracen, and is related to owe his recovery from the envenomed infliction, to the extraordinary affection and zealous attention of his wife, who had accompanied him in that journey.

(^{2a}) Married at York on the morrow of Christmas-day, anno 1251.—Pat. Rot. 26 Hen. III. m. 14.

In England, the government knew not whether he was alive or dead, but they proceeded to proclaim him king, and proper persons were chosen for the management of public affairs during his absence. He at length returned home, and was received with great joy and solemnity, and along with Eleanor his queen, was crowned at Westminster, the 19th of August, 1274, by Robert Kilwarby, archbishop of Canterbury. ^(2b)

King Edward married two wives, and had issue by both. His first was Eleanor, daughter to Ferdinand III., and sister to Alphonso, king of Castile, to which most excellent and exemplary princess, he was married at Bures, in Spain, in 1254. She died in November, 1290, and was buried with great solemnity at Westminster. His second wife was Margaret, daughter of Philip, surnamed the Hardy, king of France, to whom he was married at Canterbury, 8th of September, 1299. She outlived him several years, and dying in July, 1317, was buried in the Grey Friars, at London, of her own foundation.

King Edward died at Burgh, upon the sands, while upon a march with his army into Scotland, in July, 1307. His corpse was brought up to London, and interred in the abbey at Westminster; but his heart was sent according to his desire, and deposited in the Holy Land.

By his first wife he had a numerous issue; of which,

John, the eldest son, was born at Windsor, but died a child, and was buried at Westminster.

Henry, second son, died also a child.

Alphonso, the third son, was born at Maine, in Gascoigne, in November, 1273, but died in 1284, and had sepulture in Westminster Abbey.

Edward, the fourth but eldest surviving son, was successor to the crown.

Eleanor, the eldest daughter, was born at Windsor, 50 Hen. III., and was espoused by proxy to Alphonso, king of Arragon, who deceasing before consummation, she was afterwards married at Bristol, in 1293, to Henry, earl of Barre, in the province of Champagne, in France, and had

^(2b) Edw. Rex. Ang. applicuit apud Dovor, die Jovis prox. fest. S̄ci Petri ad vincula, anno 1274.—Pat. Rot. 2 Edw. I. m. 9. (6).

issue Edward, earl of Barre, and a daughter Joan, who became the wife of John Plantagenet, the last earl Warren and Surry of that family.*

Joan, the second daughter, was born at Acon, or Acres, in Palestine, in 1272, and was married, first to Gilbert de Clare, earl of Gloucester, and secondly to Ralph de Monthermer, as under those heads may be found more at large.† She died 1 Edw. II., and was buried in the Friars Augustines, in Clare.

* Vide
Warren and
Surry.

† Vide
Clare and
Monther-
mer.

Margaret, third daughter, was born at Windsor, in 1275, and was married at Westminster, in July, 1290, to John, duke of Brabant.

Berengaria (or *Berenice*), and *Alice*, died young.

Mary, sixth daughter, was born at Windsor, in April, 1279, and when ten years of age, was entered for a religious life at the monastery of Ambresbury, in Wiltshire, where her grandmother, queen Eleanor, was abbess. She was afterwards a nun at Fontevraud, in Normandy.

Elizabeth, seventh daughter, was born at the castle of Rutland, in Flintshire, anno 1284, and was married at London, to John, earl of Holland and Zealand, who died two years after, without issue by her; and she remarried with Humphrey Bohun, earl of Hereford.‡

‡ Vide
Hereford.

Beatrix and *Blanch*, the eighth and ninth daughters, died in their infancy.

King Edward, by his second wife, had two sons and one daughter; *viz.*

Eleanor, who was born at Winchester, in May, 1306. She died young, and was buried at Westminster. Of the sons, the eldest,

Thomas, surnamed of Brotherton, from the place of his birth, was born in June, 1300. He was afterwards created earl of Norfolk,§ and marshal of England,|| which honour and office had escheated to the king by the death of Roger, the last Bigot, earl of Norfolk and marshal of England, without issue, and in pursuance of a fine and declaration made thereof, by the said earl Roger to king Edward I., to such effect.

§ Cha. Rot.
6 Edw. II.
n. 30, 31, 32.
|| Ibid.
9 Edw. II.
n. 32.

This prince was a military character, and served often in the wars of Scotland. He had a confirmation of the Bigot inheritance from his half-brother king Edward II., but though he was indebted to that unfortunate monarch for many favours, yet his sense of obligation does not appear to have been governed by any sense of gratitude; as he was one of those

great persons who adhered to queen Isabel upon her landing at Harwich, and contributed to the deposition of the weak and unhappy king Edward.

This prince Thomas died in 1338, and was buried in the abbey of St. Edmondsbury.

* Cat. of
Hon. p. 511.

† Cat. Nob.

He married, according to Milles,* to his first wife, Anne, daughter to a certain knight who lived near Bougan, but whose name remains unknown, and by her had issue a son, Edward, who, as Ralph Brooke† asserts, died in ward to the king, the same year in which his father deceased, having married Beatrice, daughter of Roger Mortimer, earl of March, by whom he had no issue.

‡ Milles ut
antea.

§ Esch.
36 Edw. III.

p. 2. n. 9.

|| Ibid.

Milles says, his second wife‡ was Catherine, (^{2c}) (the record calls her Alice,§) daughter of sir Roger Halys, knight, by whom he had two daughters and co-heiresses;|| namely, Margaret, hereafter mentioned, and Alice, who wedded Edward de Montacute, by whom she had a daughter Joan, who became the wife of William Ufford, earl of Suffolk, and died without issue surviving.

The third wife of Thomas of Brotherton was Mary, relict of William, lord Broase, of Gower; by her he had a son John, who became a monk at Ely: this lady survived him, and afterwards married Ralph Cobham, by whom she had a son John, who was called the son of Mary the countess.

Margaret, eldest of the daughters of Thomas of Brotherton, and at length sole heir to that royal and noble personage, was a lady of great note and figure in her time.

At the coronation of Richard II. she exhibited her petition in these words: "To the right honourable lord, the king of Castile and Leon, duke of Lancaster and Steward of England, humbly beseecheth, Margaret, daughter and heir of Thomas of Brotherton, late earl of Norfolk and marshal of England, to be accepted to the office of high marshal now at the coronation of our sovereign lord the king, after the death of the said Thomas her father, executing it by her deputy, as Gilbert Marshall, earl

(^{2c}) Ralph Brooke, Dugdale, &c., mention no other wife than Catharine and Mary; and state the issue to be, by the first: but her true name was *Alice*.—Esch. 36 Edw. III. p. 2. n. 9.

of Striguill,* did at the coronation of king Henry II.; that is to say, to appease the debates in the king's house, the day of his coronation, and to make deliverance of all lodgings, &c., taking of every earl, baron, and gentleman, made knights of the Bath that day, a palfrey and saddle," &c.

*Claus.Rot.
1 Ric. II.
m. 45.

But it seems that the nature of her claims was not then fully discussed, unless that Henry, lord Percy, who performed the service on the said solemn occasion, officiated as her deputy.

In 21 Ric. II.† she was advanced to the dignity of duchess of Norfolk, for life, on which day her grandson Thomas, lord Mowbray and earl of Nottingham, was created duke of Norfolk.‡

† Rot. Char.
21 Ric. II.
n. 22.

‡ Ibid.

This great lady died 24th March, 1399, at a very advanced age, and was buried at the Friars Minors, in London. She was twice married: her first husband was John, lord Segrave, by whom she had two daughters; Anne, who was abbess of Berking,—and Elizabeth, who wedded John, lord Mowbray, by whom she had issue John, lord Mowbray, created earl of Nottingham, who died without issue in the lifetime of his grandmother; and Thomas, who was heir to his brother John, and was created duke of Norfolk, as before mentioned, at the same time his grandmother was made duchess.

Her second husband was sir Walter Manny, K.G., a most eminent soldier. By him she had issue a son Thomas, who died when about ten years of age. Also a daughter Anne, who married John Hastings, earl of Pembroke, and had a son John, earl of Pembroke, who was the last earl of the Hastings family, and died without issue.

Thomas of Brotherton bore for arms, *viz.*

G. three Lions passant, guardant, O. a Label of three Points, Arg.

Edmund Plantagenet, youngest son of king Edward I., by Margaret of France, his second wife, and surnamed of Woodstock, from the place of his birth, was created earl of Kent by his brother, king Edward II., by whom, the 14th of his reign, he was summoned to parliament as baron of Woodstock.§ But in the reign of Edward III. (his nephew) he was arrested and adjudged to die for high treason, for conspiring with other nobles to deliver his brother, king Edward II. (who had been deposed), out of prison; whereupon, by the management of queen Isabel, with her

§ Dug. Lists
of Summ.

minion, Robert Mortimer, he was beheaded at Winchester, after he had stood upon the scaffold from noon till five o'clock in the evening, waiting for an executioner (no one being ready to perform the odious office), till a base wretch, a malefactor from the Marshalsea, in order to save his own life, performed the barbarous act, in 4 Edw. III. This Edmund married Margaret, daughter of John, lord Wake, sister and heir to Thomas, lord Wake, of Lidel, and by her had issue:—

1. Edmund, his eldest son, who was restored earl of Kent the same year his father died, the attainder being reversed; but he deceased unmarried, and in ward to the king 6 Edw. III.

3. John, second son, succeeded his brother Edmund, and married Elizabeth, daughter of the duke of Juliers, but died also issueless 26 Edw. III.

2. (^{2d}) Joan Plantagenet, only daughter to Edmund, earl of Kent, and heir to her brothers Edmund and John, was, for her admirable beauty, called The Fair Maid of Kent. She married, first William Montacute, earl of Salisbury, but from him was divorced, (^{2e}) and married to sir Thomas Holland, K.G., afterwards earl of Kent; and on his decease (retaining still a great share of her beauty and perfections), she captured the heart of the prince of Wales—that gallant hero surnamed The Black Prince, and was married to him by dispensation from the Pope, by reason of their consanguinity. By him she was mother of Richard II., in whose reign she departed this life, and was buried in the Friars Minors, at Stamford.

The earl of Kent bore for arms, *viz.*

G. three Lions, passant; guardant O. within a Bordure, Arg.

(^{2d}) *Query* a daughter Margaret (unnoticed by the heralds), married to Amaneus, son of Bernard de la Brette?—Vide Manning's *Surry*, Vol. I. p. 121.

(^{2e}) Collins affirms this to be an error, and asserts that Salisbury had intended to have married her, had she not been precontracted to, and *known by Holland*. Yet, during Holland's absence, he made an after-contract, and withheld her from Holland until the Pope decided her to be his, when, acquiescing in the decision, it thence was said, that she was divorced from the earl of Salisbury.

EDWARD II.

This prince, the fourth, but eldest surviving son of Edward I. had his birth at Carnarvon, in North Wales, the 15th of April, 1284. After the death of Llewellyn ap Griffith, he was created prince of Wales by his father, being the first of the king's sons of England, who ever had that title conferred upon him, which thenceforth has continued the principal stile borne by the heir apparent to the British throne. He was also earl of Chester and of Ponthieu,* as likewise duke of Aquitaine.†

He began his reign the 7th of July, 1307, and on the 14th of February following, was crowned at Westminster, together with Isabel his queen, by Henry, bishop of Winchester.

After a weak government for some years, he was at length deposed on the 25th of January, 1326, and, on the 21st of September, 1327, was basely murdered at Berkeley castle, having reigned nineteen years, six months, and eighteen days. His body was afterwards carried to Gloucester, and there, without any funeral pomp, buried in the monastery of St. Peter, since a cathedral, where king Edw. III., his son, erected a monument of white stone, with his portraiture thereon in alabaster, in the second arch on the north side of the altar, betwixt two pillars of the Tuscan order, about which are painted the figures of several stags, with which, as common rumour says, his corpse was drawn thither from Berkeley castle. In the same place the king, his son, erected a chantry to pray for his soul. This king Edw. II. founded Oriel College and St. Mary's Hall, Oxford, and built a church for friars at his manor of Langley, where the soul of Gaveston was to be prayed for.

The wife of king Edw. II., whom he married at Bologne, January 22, 1308, was Isabel, daughter of Philip IV., king of France, &c. She lived his queen twenty years, and his widow thirty, and died at the age of sixty-three, at Risings, near London, the 22d of August, in the thirty-first year of her son, king Edw. III., anno 1357, and was buried in the midst of the

* Rot. Pat.
32 Edw. I.
m. 3.
† Ibid.
34 Edw. I.
m. 1 and 30.

choir of the Grey Friars church, in London ; by her he had the issue following :

Edward, eldest son, succeeded his father, king of England, as hereafter mentioned.

John of Eltham, second son of king Edw. II. and queen Isabel, so surnamed from Eltham in Kent, the place of his birth, anno 1315, in the ninth year of his father's reign. In the parliament holden at Salisbury, anno 1328, and the second of the reign of his brother king Edw. III., he was created earl of Cornwall. The next year he was constituted custos of the kingdom of England, and the king's lieutenant during his absence beyond sea. A marriage was first proposed for him with Joan, daughter of Ralph earl of Eu, and likewise with Mary, daughter of the count de Blois ; but neither taking place, he was afterwards affianced by proxy to Mary, daughter of Ferdinand of Spain, lord of Lora, but died in the interim, being then in Scotland, from whence his corpse was brought into England, and interred in St. Edmund's chapel, on the south side of the choir in Westminster Abbey, where his tomb of white stone, with his effigies in alabaster lying thereon, are yet remaining entire.

His arms were, *viz.*

Arg. a Lion rampant, G. crowned Or, within a bordure S. Besantee. (R. Brooke).

But Milles says,

G. three Lions, passant ; guardant O. and a bordure of France.

Joan, eldest daughter of king Edw. II. and queen Isabel, was born in the Tower of London, and in her minority married to David, prince of Scotland, son and heir apparent of king Robert Bruce, whom within half a year after, he succeeded in that kingdom at seven years of age. This Joan was his wife twenty-eight years, and being in England on a visit to her brother king Edw. III. died there without issue, in the thirty-second of his reign, anno 1357, and was buried in the church of the Grey Friars, London.

Eleanor, second daughter of king Edw. II. was the second wife of Reynald, the second earl of Gueldres, to whom she was married in the sixth year of the reign of her brother, Edw. III. ; which Reynald, being vicar-general of the empire to the emperor Lewis, of Bavaria, was by

him created duke of Gueldres. He had issue by the duchess Eleanor, two sons, Reynald and Edward, who were dukes successively, and both died without issue, the latter leaving his dukedom and his wife to William, duke of Gulic, his half sister's son.

EDWARD III.

Edward, third of his name, and eldest son of the late king, was born at Windsor, in November, 1312. At six years of age, bearing then the title of earl of Chester, which had before been conferred upon him,* he had a grant from his father of one thousand marks per annum;† and in the thirteenth year of his age, his said father gave him, his heirs and successors, kings of England, to hold for ever, the cities of Ponthieu and Monstrole, and likewise the dukedom of Aquitaine,‡ with all the lands he had, or ought to have in France; for which, passing into that kingdom,§ he did homage to the French monarch.

* Rot. Chart.
8 Edw. II.
n. 2.

† Rot. Pat.
11 Edw. II.
n. 18, p. 2.

‡ Ibid.
19 Edw. I.
m. 23.
§ Ibid.

It does not appear, that this prince ever bore the title of prince of Wales, being designated only in these grants "earl of Chester,"^(2f) and by that description soon after his return to England, he was appointed custos of the realm.||

|| Rot. Pat.
19 Edw. II.
m. 27.

Not long after followed the deposition of his father; the blame of which infamous affair attached not to prince Edward, but to the queen and her paramour Roger Mortimer, earl of March.

The prince came to the throne the 25th of January, 1327, as before mentioned, and was crowned at Westminster the first day of February after, by Walter, archbishop of Canterbury.

The early part of this long reign was full of glory, but the latter years

^(2f) Milles, page 315, asserts, that he was created prince of Wales and duke of Aquitaine, in a parliament holden at York, in the fifteenth year of his father's reign. Which assertion Ralph Brooke, in his catalogue of the kings of England, &c. also confirms, adding, that he was made lord warden of England, unto whom all the lords swore fealty, and took the oath of allegiance.

were not attended with similar good fortune; and, after a lingering sickness, king Edw. closed a life of nearly sixty-four years, and a government of more than fifty, at Sheene, now called Richmond, anno 1377, and was interred at Westminster.

He married at York, in 1327, Philippa, daughter of William, earl of Hainault and Zealand, which princess bore him a numerous progeny, and dying before him in August, 1369, was buried at Westminster.

The children were seven sons and five daughters.

* Cat. of
Nob. per R.
Brooke.
† Sandford.
‡ Rot. Chart.
7 Edw. III.
n. 16-17.

Edward, the eldest son, afterwards surnamed the Black Prince, was born the 15th of July, 1329,* or 1330,† and in the 7th of Edw. III. had a grant of the county of Chester, with the castles of Chester, Rothelan, Flint, and Beeston.‡ By which title he was before distinguished, on an occasion when certain ambassadors were sent into France to treat of a marriage between him “*Edwardum comitem cestræ filium primogenitum*,” and Joan, daughter of the French king.

In the parliament holden at Westminster, the 11th of Edw. III. he was created duke of Cornwall, being the first person after the conquest that bore the title of duke in England. The limitation of the patent was: “*Habend, et tenend eidem Duci, et ipsius et heredum suor, Regum Angl' filiis primogenitis, et dicti loci Ducib, in regno Angl' heriditar successor.*” From this period the dukedom of Cornwall has ever been vested in the heir apparent to the crown, who is duke immediately upon his birth; whereas, the titles of prince of Wales and earl of Chester, are by special creation or declaration, as in the instance of this noble prince, who the 17th of Edw. III. was by his father advanced to the former dignity, and had livery of all the castles, lands, &c. of the said principality.§

§ Rot. Pat.
17 Edw. III.
m. 8.
|| Ibid. 16
Edw. III.
m. 6, pars 2.

The 16th of Edw. III.|| he was constituted Locum Tenens for his father, in the administration of the government, on which occasion he is only stiled duke of Cornwall and earl of Chester.

He proved a most magnanimous and martial prince. At the famous battle of Cressy he led the vanguard of the English army, and won immortal honour in the complete victory there gained over the French; when among other persons of great consideration, who lost their lives, John, king of Bohemia, was slain by the hands of the young prince, who deplumed him

of those ostrich feathers which he wore as his cognizance, but which, in commemoration of that signal action, have ever since been worn as the cognizance of the succeeding princes of Wales.

To enter into a detail of all the memorabilia of this prince's life, would form an history of itself; suffice it therefore to observe, that after a series of the most glorious achievements, a lingering illness terminated his career of fame the 8th of July, 1376, at the palace of Westminster, in the lifetime of his father, and in the forty-sixth year of his age.

His body afterwards, in pursuance of his will, was interred in the cathedral church at Canterbury, where a stately monument was erected to his memory.

Previous to his decease, it appears, that having incurred very considerable debts, he obtained a grant, that if he died before the king his father, his executors should, for the space of four years after his death, have the custody of his lands* in England and Wales, for the purpose of discharging the claims of his creditors; in this grant he is styled *Prince of Aquitaine and Wales*.

* Rot. Pat.
40 Edw. III.
m. 28.

He married Joan, daughter and heir of Edmund Plantagenet, earl of Kent; which great heiress, commonly called The Fair Maid of Kent, was the repudiated wife of William Montacute, earl of Salisbury, and relict of Thomas Holland, who, in her right, had the title of earl of Kent.

By her he had two sons; viz. Edward, born at Angouleme, in 1365, the news of whose birth was so acceptable to his royal grandfather, that the king conferred† upon the messenger, John Delves, an annuity of forty pounds per annum for life. But this young prince afterwards died in Gascoigne, in the 7th year of his age, before his father.

† Ibid.
39 Edw. III.
m. 14.
pars. 2.

Richard, the second son, surnamed of Bourdeaux, was successor to his grandfather, as hereafter mentioned. (^{2g})

(^{2g}) Besides these two sons, the Black Prince is reported to have had two natural children; viz. sir John Sounder, of whom no further mention is made than his name;—the other, sir Roger de Clarendon, was so called, as it is considered, from Clarendon in Wiltshire, the place probably of his birth. Richard II. granted him one hundred pounds per annum during life, and, according to Sandford, he is deemed to be the ancestor of a family of the Smiths, in Essex. He bore for arms,* viz. "O. on a Bend, S. three Feathers, Arg."

* Cam. Rem.
p. 159.

Edward the Black Prince bore the arms of his father—a Label Arg. for difference: he was the first prince of Wales who took the ostrich feathers (as before mentioned) for a crest, with the motto “*Ich Dien*,” and it is to be observed, that

King Edward III. was the first monarch who quartered the royal arms of France with those of England, which arose from his being son and heir of Isabel, sister and heir to Charles the Fair, king of France, who died without issue. It is said that one Jacques D’Artevelle, a person who had great influence in Flanders, was the contriver of this quartering; though others mention, that king Edward was put upon it by Robert, earl of Artois; but let it be as it may, the following lines were made on king Edward’s side; *viz.*

Rex sum regnorum binâ ratione duorum,
Anglorum regni rex sum ego, jure paterno;
Matris jure quidem, Francorum nuncupar idem,
Hinc est armorum variatio facta meorum.

William, second son of Edward III., was born at Hatfield, in 1336, but died in his childhood, and was buried at York.

Lionel, third son of king Edward III., was surnamed of Antwerp, where he was born in the twelfth year of his father’s reign, anno 1338. He had not exceeded the third year of his age, when, upon petition of the Irish, his marriage was agreed upon with Elizabeth de Burgh, daughter and heir to William de Burgh, earl of Ulster, by Maud his wife, second daughter of Henry, earl of Lancaster, second son of Edmund, earl of Lancaster, second son of king Henry III., which William de Burgh, earl of Ulster, was descended also by his mother’s side from Joan of Acre, second daughter of king Edward I. This marriage was consummated in the fourteenth year of his age; soon after which he was created earl of Ulster, in right of his wife. In the nineteenth year of king Edward III. he constituted this Lionel custos of the kingdom of England, and lieutenant during his absence abroad; and some years after, together with John, earl of Richmond, his brother, he attended the king his father into Brabant. Nor did this Lionel acquire only the earldom of Ulster, in the kingdom of Ireland, with Elizabeth his wife, but he obtained also the honour of Clare,

in the county of Suffolk, as parcel of the inheritance of her grandmother Elizabeth, the sister and co-heir of the last earl, Gilbert de Clare, and thereupon in parliament, anno 1362, he was created duke of Clarence, a title derived, as it were, from the country about the town, castle, and honour of Clare, from which dutchy, the name of Clarendieux, king of arms for the southern parts of England, is derived. His style was duke of Clarence, earl of Ulster, and lord of Connaught and Trim.

Having buried his first wife, Elizabeth de Burgh, anno 1363, about four years after a marriage was concluded for him at Windsor, with Violanta, or Jolantis, daughter of Galeasius, second of that name, prince of Milan, where, with a select company of the English nobility, and a splendid equipage, he soon after went, and was espoused to his new bride, with the greatest solemnity imaginable. But in the compass of five months, having lived after the manner of his own country, addicting himself to immoderate feasting, without remembering the change of air, he fell into a lingering disease, and died at Longueville in Piedmont, anno 1368, in 42 Edw. III. He was first buried in the city of Papia, but afterwards brought to England, and interred at Clare, in the convent of the Augustine Friars, near his first wife Elizabeth, by whom he had issue one sole daughter and heir; *viz.*

Philippa, born anno 1355, in 29 Edw. III. At her father's death she was thirteen years of age; about which time king Edward III., her grandfather, married her to Edmund Mortimer, the third earl of March and lord of Wigmore, who enjoyed with her the earldom of Ulster and the lordships of Clare, Connaught, and Trim. This Edmund was sometimes styled marshal of England: he recovered the castle and honour of Denbigh from William, earl of Salisbury, which had been given to Roger his grandfather, by king Edward III., and by king Richard II., in the third year of his reign, he was constituted lieutenant of Ireland, where he died two years after, leaving issue, by the said Philippa his wife, three sons and two daughters.

Lionel, duke of Clarence, bore for arms, *viz.*

France and England, quarterly, with a Label of three Points Arg. Cantons. G.

John of Ghent, fourth son of king Edward III., was born at Ghent, the capital of Flanders, in 1340 ; and in his infancy was created earl of Richmond by charter. At nineteen years of age he was married to Blanch, the youngest daughter and co-heir to Henry, duke of Lancaster, &c. ; upon whose decease the title of duke of Lancaster was in parliament given to this John ; besides which, in right of his said wife, he enjoyed the earldoms of Derby, Lincoln, and Leicester, and stewardship of England, after the death of Maud, her elder sister, duchess of Bavaria, without issue.

About two years after the death of his first duchess Blanch, hearing of the death of Peter, king of Castile, whom his brother Edward had reinstated in his kingdoms, and that he had left two daughters his co-heirs, then residing in Gascoigne, whither they had fled to avoid the tyranny of their base uncle Henry, usurper of their father's kingdom, he invited them to Bourdeaux, and there took to wife Constance, the elder of them, in whose right he took on him the title of those kingdoms, and was soon after in his summons to parliament, styled king of Castile and Leon, duke of Lancaster, earl of Richmond, Derby, Lincoln, and Leicester, and steward of England.

He was sent general into France, in three several expeditions, in neither of which he did any thing considerable ; returning at last with the news of a general revolt in Aquitaine, he was as little welcome as the tidings he brought : but the prince of Wales's sickness increasing, and his death soon after following, it gave him an opportunity, with Alice Piers, the king's concubine, and others, who had been banished the court, to be recalled to their places, where this John, working upon the age and infirmities of the king his father, procured himself to be made regent of the kingdom, which he governed with a very high hand ; but the king being made sensible of his great ambition, to prevent the ill consequence thereof in the succession, settled the crown upon Richard of Bourdeaux, his grandson.

Upon the death of king Edward III., his father, Edward earl of Cambridge, his brother, with many other lords, were joined with duke John in the administration of affairs, during the minority of Richard II. his nephew ; but in France all things succeeded as ill under his conduct, as they had formerly done. He was in his regency accused, by a friar, of

conspiring the death of the young king, with a design to usurp the crown, of which he cleared himself, and the friar was secretly put to death; but he stood however suspected, and the king intending to arraign him for certain points of treason before the lord chief-justice Tresilian, he stood upon his guard at Pontefract Castle, till he had mediated his peace by the means of the princess of Wales, the king's mother.

Duke John, having much at heart the conquest of Spain, to which he had some pretensions, and the king having as much desire to be rid of his company, at length granted him the command of 20,000 men for that expedition, together with a gallant fleet; he thereupon landed at the Groyne, and thence marched to Compostella, where he was met by John, king of Portugal, and a marriage was concluded betwixt that king and the lady Philippa, the duke's eldest daughter; thence marching into Castile, after some few excursions, a peace was happily concluded in a marriage between Henry, prince of the Asturias, son of John, king of Castile and Leon, and the lady Catherine, the duke's only child by Constance of Castile, his second wife, besides a large composition in money. By which agreement, though the duke consented to unking himself, yet by the expedition, he had the honour of placing the crowns of Castile and Portugal on the heads of his posterity, which in the latter remains to this day, through a direct line.

On his return from Spain, the 13th of Richard II., he was created duke of Aquitaine; and some years after moved in parliament, that his son Henry of Bolingbroke might be adjudged heir to the crown, but this was not at all relished, yet from thence proceeded the lasting bloody feuds between the two houses of York and Lancaster. From which time there is little said of him to the time of his death, anno 1399, the 22 Ric. II., when he died at Ely-house in Holborn, leaving his honours and estate to his son Henry of Bolingbroke, then a banished man. He was interred in the cathedral church of St. Paul, London, near his first wife, Blanch of Lancaster, in a fine and lofty monument of freestone, on the north side of the high altar, with both their portraitures lying thereon in alabaster; the upper part of which tomb was defaced in after-times, to make way for other building, and the remains wholly consumed by the fire of London.

His first marriage with Blanch, daughter and co-heir to Henry, duke of Lancaster, is already mentioned. She was his wife nine years, who died anno 1369, and was buried with him as aforesaid; having had by him the following issue:—

Henry of Lancaster, surnamed of Bolingbroke, afterwards king Henry IV.

Philippa of Lancaster, eldest daughter of duke John, by his first wife, was married anno 1387, to John, first king of Portugal, whose wife she was twenty-eight years, and died eighteen years before him, leaving by him a numerous issue.

Elizabeth of Lancaster, second daughter of John, duke of Lancaster, and Blanch, his first wife, was twice married; first to John Holland, created earl of Huntingdon in the parliament of the 11 Ric. II., second son of Thomas, earl of Kent, and Joan, afterwards princess of Wales, his wife, daughter of Edmund of Woodstock, earl of Kent, youngest son to king Edward I. He was made duke of Exeter by his half-brother king Richard II., but deposed from that title the 1 Hen. IV., and the same year beheaded at Pleshy in Essex, for conspiring the death of that king, his wife's brother. The second husband of this Elizabeth was sir John Cornwall, knight of the Garter; a man famous for his heroic actions in that age; and therefore, by king Henry IV., made knight of the Garter, and married to his sister. He signalized himself at the battle of Agincourt, and was by king Henry V. created lord Fanhope. This Elizabeth his wife died before him, 4 Hen. VI., and was buried at Burford in Shropshire, the ancient seat of this family of Cornwall, called barons* of Burford, where he had a handsome monument.

* Camden's
Remains.

By his second wife Constance of Castile, daughter of Peter, king of Castile, (whose marriage we have before mentioned,) and who was his wife twenty-two years, he had issue only one child; viz.

Catherine of Lancaster, who by her said father, in his expedition into that kingdom; was married to Henry, prince of the Asturias, son of Henry, count of Trastamore, base brother to king Peter, from whom count Henry had usurped the kingdom; by which marriage an agreement was concluded, and the crown settled on the heirs of this Elizabeth and Henry her husband, and, for want of such issue, on the son of Edmund of Langley,

duke of York, the duke of Lancaster's younger brother, who had married Isabel, the younger daughter and co-heir to king Peter, and aunt to this Catherine.

Prince Henry succeeded his father by the name of Henry III., and by this Catherine of Lancaster his wife, had issue king John II., whose daughter and heir Isabel was married to Ferdinand, king of Arragon, surnamed the Catholic, by whom she had issue her only daughter Joan, espoused to Philip, archduke of Austria, in her right king of Spain, who by her was father of Charles V., emperor of Germany, who had issue Philip II., king of Spain, father of Philip III., who had issue Philip IV., father of Charles II., king of Spain, who died without issue at Madrid, in the year 1700, being the last king of Spain descended from the emperor Charles V., and who by will devised his kingdoms to Philip V., king of Spain.

About two years after the death of his duchess Constance, John, duke of Lancaster, took to wife Catherine Swinford, daughter of sir Payn Roet, *alias* Guyen, king of arms, and widow to sir Otes Swinford, knight, and generally reputed to have been familiar with duke John in the life-time of his two former wives, she having been governess to his daughters Philippa and Elizabeth, during their minority. By her he had several children, who were all afterwards legitimated by parliament, and called by the surname of Beaufort, from the duke's castle in Anjou, the place of their nativity, which castle came to the house of Lancaster by Blanch of Artois, wife to Edmund Crouchback, earl of Lancaster. This Catherine was duchess of Lancaster only three years, but outlived her husband four years, and was buried at Lincoln; by whom duke John had the issue following:—

John Beaufort, earl of Somerset, eldest son,—of whom hereafter.

Henry Beaufort, cardinal of St. Eusebius, and bishop of Winchester, second son: he was first of Lincoln, and from thence translated to Winchester, on the death of William of Wickham, and after was made cardinal of St. Eusebius. For his wealth, he was called the rich cardinal, and is said to have lent king Henry V. 200,000*l.* towards carrying on his war against France, an immense sum in those days. He was also esteemed a wise and

valiant man. Pope Martyn V. intending to make war on the Bohemians, who had renounced all allegiance to the see of Rome, sent this Henry, his legate, into that country, and commander-in-chief of his forces, where he behaved himself with great valour and conduct, till he was by the Pope discharged. In his youth he was wantonly given, and by Alice, daughter of Richard Fitz-Alan, earl of Arundel, had a base daughter Joan, whom he afterwards married to sir Edward Stradling, knight, of Glamorganshire. He was several times chancellor of England, and a man of very great repute in matters of council. He built an hospital near Winchester, for the maintenance of a master, two chaplains, thirty-five poor men, and three poor women. He died anno 1447, having been bishop of Winchester forty-three years, and from the time of his consecration, fifty years. He was interred under a very fine monument, behind the high altar in the cathedral church of Winchester.

* Rot. Pat.
4 Hen. V.

Thomas of Beaufort, third natural son of John of Ghent, by Catherine Swinford, was first created earl of Dorset, and afterwards duke of Exeter.* He was a man of excellent talents, as well in the cabinet as in the field. He served with distinguished reputation in the wars of Scotland and France. In the latter country, on his march towards Rouen, he took the important city of Tuneux. With fifteen hundred men, he overcame near Harfleur in Normandy, as many thousand French, commanded by the earl of Armagnac, having courageously refused to surrender himself prisoner, although he was at first dangerously situated, having the sea in his rear. In 5 Hen. V. he was retained to serve the king in his wars against France. In the 6th of the same reign he was employed at the siege of Rouen. He besieged the castle of Gaillard the 7th of the said king's reign. In the 8th, he was at the siege of Melun, and was sent ambassador to the French king, then at Trois. He was taken prisoner by the French, while passing a marsh, near the castle of Beaufort, in 9 Hen. V., at which time the duke of Clarence lost his life. In the 10th of the same reign, he accompanied the duke of Bedford to raise the siege which the Dauphin and the earl of Armagnac had laid to a city belonging to the duke of Burgundy; and upon the king's death, he was one of the mourners at the solemn exequies. In 1 Hen. VI. he was again employed in the French wars, and obtained

the office of justice of North Wales. This duke died without issue, 5 Hen. VI., anno 1426 ; so that John, earl, and afterwards duke, of Somerset, his nephew, son to John, earl of Somerset, his brother, became his next heir. He was buried at St. Edmundsbury, in the county of Suffolk, where, in 1772, his body is said to have been discovered in a leaden coffin, made after the ancient custom—the shape of the body : the lead was sold for a small sum by the workmen, and the body tumbled into a hole.

This great and worthy person married Margaret, daughter and heir of sir Thomas Nevill, of Hornby, but had no issue, whereby his honours terminated with his life.

Joan Beaufort, only daughter of John of Ghent, duke of Lancaster, by Catherine Swinford, afterwards his third wife, was twice married ; first, to Robert Ferrers, son of Robert lord Ferrers of Wem and Oversley, by whom she had two daughters, Elizabeth and Mary. Elizabeth Ferrers was the wife of John, baron Greystoke, and Mary Ferrers, of Ralph Nevill, a younger son to Ralph, earl of Westmoreland. The second husband of this Joan Beaufort, was Ralph Nevill, the first earl of Westmoreland, to whom she was second wife, and by him had issue, Richard Nevill, earl of Salisbury, father of Richard, the great earl of Warwick and Salisbury, called Make-King ; William Nevill, lord Fauconberg ; George Nevill, lord Latimer ; Edward Nevill, lord Abergavenny ; Robert Nevill, bishop of Durham ; Cuthbert, Henry, and Thomas ; also five daughters, whereof Catherine was married first to John Mowbray, the second duke of Norfolk, and after to sir John Widville, son of Richard, earl Rivers ; Eleanor was espoused first to Richard, lord Spencer, and after to Henry Percy, earl of Northumberland ; Anne was first married to Humphrey, duke of Buckingham, and after to Walter Blount, lord Mountjoy ; Jane became a nun, and Cecily married Richard Plantagenet, duke of York, father of Edw. IV. This duchess Joan lived till the 19 Henry VI. and was interred in the cathedral church of Lincoln.

John of Ghent bore his arms, *viz.*

France and England, quarterly, Arg. a Label of three Points, Erm.

John de Beaufort, eldest natural son, (before mentioned,) of John of Ghent, duke of Lancaster, by Catherine Swinford, (having been by assent

*Rot.Chart.
20 Rich. II.
n. 1.

†Rot.Chart.
21, 22, and
23, Rich. II.
n. 5.

‡Ibid. n. 18.

§ Rot. Pat.
& Chart.
ejusd. reg.

of parliament, together with his brothers and sister, legitimated) was by Richard II. created earl of Somerset,* and soon afterwards advanced to the titles of marquis of Dorset† and of Somerset.‡ But upon the accession of Henry IV. to the crown, he was only distinguished by the style of earl of Somerset; by which designation he had in that reign divers grants of high offices, and considerable estates.§ His will bears date 11 Henry IV., in which year he died, leaving by Margaret his wife, daughter of Thomas and sister to Edmund Holland, earl of Kent, three sons, (^{2 h}) Henry, John, and Edmund, and two daughters, of which Joan, married James I., king of Scotland; and Margaret, Thomas Courtney, earl of Devon.

Henry, the eldest son, succeeded his father, but died young and unmarried 6 Henry V. when John his brother was his heir; which

||Rot.Chart.
ab. 21, usq.
24. Hen. VI.
n. 45.

John, 21 Henry VI. was created duke of Somerset and earl of Kendal.|| He was a great military character in the reigns of Henry V. and VI., and in most of the memorable achievements of that æra, greatly signalised for his courage and abilities. His death was in May, 22 Henry VI., when he was buried in Wimbourn minster, in Dorsetshire. By Margaret, his wife, daughter of Sir John Beauchamp, of Bletshoe, (who surviving him, married Leo, lord Wells,) he had an only daughter and heir, named after her mother, Margaret, who was then only three years old, and afterwards living to a great age, was three times married. Her first husband was Edmund of Hadham, earl of Richmond, by whom she had Henry, her son and heir, who at length mounted the throne by the name of Henry VII. Her second husband was Sir Henry Stafford, knight:¶ and her third, Thomas, lord Stanley; ** by neither of which she had any children, and dying in 1516, was buried in Westminster Abbey. (^{2 i})

¶ Rot. Pat.
4 Edw. IV.
pars 2.m.24.
** Rot. Pat.
22 and 23
Edw. IV.
pars 2.m.30.

(^{2 h}) Milles notices another son Thomas, styled earl of Perth, who died S.P.

(^{2 i}) Her virtues are exceedingly celebrated. Her humility was such, that she would often say, "On condition the princes of Christendom would combine themselves and march against the common enemy, the Turks, she would most willingly attend them, and be *their laundress in the camp*." Walpole mentions her in his Catalogue of Noble Authors, as having written upon several subjects; and by her sons command and authority, made the orders "great

Her father thus deceasing without issue male, the titles of duke of Somerset and earl of Kendal became extinct, but Edmund, his next brother, became his heir male; this

Edmund was styled earl of Mortaign, in Normandy. He was also lord of Chirk and Chirkland, in Wales, by gift of Henry V. In 20 Hen. VI. he was created earl of Dorset,* and in the 21st of the same reign was made marquis† of the same county; and lastly, in the 26 Henry VI. he was by that ill-advised monarch, advanced to the dignity of duke of Somerset. ‡

In 9 Henry VI. he was commander of certain forces then sent into France. The following year he had the defence of Rouen entrusted to him, and a third part of Normandy. But the English affairs in France declining very fast after the death of John Plantagenet, the great duke of Bedford, this Edmund and Richard duke of York, were chosen the English generals in his room; 11 Henry VI. he was a commissioner at Handenstanck, for adjusting the differences of the Scotch and English; 12 Hen. VI. he was ambassador from the king to the general council at Basil; 13 Henry VI. retained to serve the king in the French wars; and 14 Henry VI. constable of the castle of Aberystwith, in Wales; the 15 Henry VI. he besieged and took Harfleur, in France; 17 Henry VI. he besieged and won the fort of Fulleville, and then joined the lord Talbot; 20 Henry VI. for his good service in the relief of Calais, he was created earl of Dorset (as before noticed), and the same year accompanied the duke of York, in his enterprise upon Anjou and Main: soon after which, entering the marches of Brittany, he took Gerch. by assault and burnt it, and with other incursions did the enemy much damage; he slew many of the marshal's men that came to resist him. After that he took the town of Beaumont le Viscount, and manned the forts on the English

* Cha. Rot. ab. 1. usq. 20 Hen. VI. n. 3.

† Ibid. ab. 20. usq. 24 Hen. VI. n. 46.

‡ Ibid. 25 and 26 Hen. VI. n. 9.

Estates of Ladies and Noblewomen, for their precedence, attires, and wearing of barbes at funerals, over the chin, and under the same."

Her funeral sermon was preached by archbishop Fisher; and her epitaph composed by Erasmus, for which he had a reward of 20s. as it is entered in a computus, or old book of accounts, belonging to St. John's college at Cambridge.*

* Antiq. of St. Peter's, Westminster.

frontiers; 23 Henry VI. being still in those wars, he gained much plunder from the cities of Brittany; 24 Henry VI. he was constituted regent of Normandy, (the duke of York being then discharged of that trust) in which time of his regency Caen being besieged, he rendered it upon articles to the French, at which the duke of York was so disgusted, that he never rested till he accomplished his ruin. In 27 Henry VI. he was again in the French wars, when the enemy took Rouen, being constrained to retreat to the castle. In 29 Henry VI. he was made constable of England; the same year, being in Normandy, and discerning all lost, he was necessitated to betake himself to his ships; soon after which, to add to his misfortunes, though the insurrection of Jack Cade was quieted, the duke of York, taking advantage of these troubles, aiming at no less than the throne, endeavoured to create new disturbances; whereupon this duke of Somerset was indefatigable in his zeal to oppose him; and 30 Henry VI. having intelligence that the duke of York was come into Wales, he attended the king into those parts: the duke of York bending his course another way, came to Blackheath, in Kent, with a great force, and there accused this duke for an evil counsellor. But finding himself not strong enough, he offered, that if the duke, to whose charge he laid all the miscarriages that had happened to the realm, was secured, he would lay down his arms; whereunto the duke, by way of recrimination, alledged that York was a traitor, for conspiring the death of the king, and to reign himself. In the end the duke was arrested in the queen's chamber, and sent to the Tower of London, and had articles exhibited against him in parliament. But the king favouring him, he was afterwards enlarged, which so highly discontented the duke of York, that he raised what power he could, and having gained the two Nevills, the father, (earl of Salisbury, and the son, earl of Warwick,) to his party, he met him and the chief strength of the Lancastrians, at St. Albans, where, after a short and bloody fight, amongst divers other persons of quality, he was slain, anno 1454.

He married Alianor, one of the daughters and co-heirs to Richard Beauchamp, earl of Warwick, and had four sons, *viz.* Henry and Edmund, successively dukes of Somerset; John, who was slain at the battle of Tewkesbury, S. P., and Thomas, who died also S. P.; likewise five daugh-

ters, who were eventually their brothers, co-heirs, as hereafter mentioned. Of the sons,

Henry, the eldest, was the next duke of Somerset. In his father's lifetime he bore the title of earl of Mortaigne, and upon his death succeeded him in his lands and honours: adhering also to the Lancastrian interest, as his father did, the 36 of Henry VI. he was constituted lieutenant and governor of the Isle of Wight; 37 Henry VI. he was appointed captain of Calais; but after the battle of Towton in Yorkshire, 39 Henry VI. anno 1461, where the king's forces were totally routed, he fled with the king to Newcastle, and thence to Berwick, which was thereupon delivered to the Scots, in hope of some aid from them in this desperate condition. But others affirm, that after the king came to Berwick, the duke of Somerset, despairing of any help, left him; and, to ingratiate himself with king Edward, delivered up the castle of Bamburgh to him, and thereupon sided with him. Yet the next year, 3 Edw. IV. hearing that queen Margaret was returned from France into Scotland with considerable forces, that she had entered Northumberland, had retaken Bamburgh, and was marching on, he revolted again, and fled to the Lancastrian party; but this shifting proved fatal to him, for John Nevill, then lord Montacute, upon the news thereof, being sent into Northumberland with a great power, gave them battle near Hexham, and defeated them. In this encounter the duke of Somerset was taken prisoner, and there beheaded, the 3d of April, 3 Edw. IV., 1463, and was attainted shortly after. He died without lawful issue, but had by Joan Hill, his paramour, a son named Charles Somerset, from his father's honours, who was created earl of Worcester by king Henry VIII. and became ancestor to the present duke of Beaufort.

Edmund Beaufort, duke of Somerset, &c. succeeded his brother Henry; he was the last of the Beauforts, and espoused the cause of king Henry VI. But observing the ill success of his brother Henry, he fled with his brother John into France, where they lived in great misery, till duke Charles (being of their kin, as descended of the house of Lancaster,) succoured them with a small pension. But notwithstanding the many misfortunes of that party, upon the marriage of prince Edward, son to king Henry VI. with Ann, daughter to the earl of Warwick, he had such esteem from them, that they

determined in case they should prevail, that he and others attainted by king Edw. IV. should repossess their estates ; and accordingly, 10 Edw. IV. king Henry being restored, and a parliament called, he, among others, came to it. But next year, king Edward returning, he appeared against him at Barnet-field, where he had command of those archers placed betwixt the right and left wing of the Lancastrian army. Upon the loss of the day, he fled into Wales to the earl of Pembroke, and raised new forces for the restoration of king Henry ; but being soon after that with prince Edward in the battle of Tewkesbury, he forsook the field, so that the ill success they then had, was attributed chiefly to his defection, which availed him nothing, for he was soon overtaken in his flight, and there lost his head ; some say he got into the church for sanctuary, and there was killed, anno 1471. In which battle his brother John also lost his life ; and dying unmarried, his sisters became his heirs. Of these,

Eleanor, the eldest, was the second wife of James Butler, earl of Ormond and Wiltshire, after whose death she re-married with sir Robert Spenser.

Joan (^{2k}) married first the lord Howth of Ireland, and afterwards Richard Frye, Esq.

Anne married sir William Paston, knight.

Margaret married first Humphrey, earl of Stafford, and secondly sir Richard Darell, knight.

Elizabeth, the fifth daughter, wedded sir Henry Lewis, knight.

The house of Beaufort bore for arms, *viz.*

France and England quarterly, within a Bordure componée Arg. and Az.

Edmund Plantagenet, fifth son of Edward III. was surnamed of Langley, from the place of his birth, where he was born anno 1341, in the fifteenth of his father's reign.

He was first made earl of Cambridge by charter, bearing date 36 Edw. III., at which time he was lord of Tyndale. He was shortly afterwards made a knight of the garter. He had likewise the offices of constable of Dover castle, and warden of the Cinque Ports, and after, at his father's death, was

(^{2k}) She is called Jane, wife of Richard Frye, esq. in Rot. Parl. 7 Hen. VII., Vol. VI., p. 454.

appointed one of the commissioners for the management of the realm in the minority of king Richard II. He was with his brother, John of Ghent, in his expedition made into Spain, where he behaved himself with great valour and conduct; for which, on his return to England, he was created duke of York, 9 Ric. II., by the king, his nephew; who, upon his going to Ireland in the eighteenth year of his reign, made him custos and warden of the kingdom during his absence. So likewise in his second fatal expedition thither, to revenge the death of Roger Mortimer, slain by the Irish, whom he had nominated for his successor, he left this Edmund, lieutenant, who faithfully endeavoured to withstand Henry of Bolingbroke, who then seized the crown; which when he could not prevent, he abandoned the court, and gave himself up to solitary retirement. And though he hated Bolingbroke, yet he on no account would be guilty of treason; for when his own son, with others, had conspired king Henry's death at Oxford, he detected him, and reviled him for being doubly a traitor, first to king Richard II. and then to king Henry. This Edmund, who was a stem of the royal house of York, died at his manor of Langley, anno 1402, 3 Hen. IV. and was interred according to his own will, in the friery of Langley, near his wife Isabel, under a tomb of alabaster and black marble, adorned and embellished; which upon the dissolution of monasteries was thence removed, and placed in the parish church of Langley.

This Edmund, duke of York, married two wives; ⁽²¹⁾ first Isabel, the youngest daughter and co-heir to Peter, king of Castile and Leon, and sister to Constance, wife of his brother, John of Ghent. She died eight years before him, and was buried at Langley, as aforesaid. By her he had all his issue; *viz.* two sons, Edward and Richard, hereafter noticed; and a daughter Constance, a woman of great intrigue, who was the paramour of Edmund Holland, earl of Kent, by whom she had a daughter Eleanor, who, according to Sandford, married James, lord Audley. The said

(21) He was to have married Margaret de Avennes, the heir to the earldom of Flanders, and his proximity of blood was dispensed with by the Pope. But it did not take place, being broken off by the French king, who got the heiress married to his brother, the duke of Burgundy.

Constance afterwards married Thomas le Despenser, earl of Gloucester. The second wife of Edmund of Langley was Joan, sister and co-heir to Edmund Holland, earl of Kent; but by her he had no issue.

Edward Plantagenet, who succeeded his father in the dukedom of York, &c., was created earl of Rutland by king Richard II., during the lifetime of his father, and on his death was made knight of the Garter: the same king gave him also the reversion of the office of constable of the Tower for life, on the death of Thomas Holland, earl of Kent, the king's half-brother. He had likewise the office of constable of Dover Castle, and warden of the Cinque Ports for life; at which time, he bore the titles of earl of Cork, and admiral of England. Nor did the king's favours stop here; for he afterwards created him duke of Albemarle, and made him constable of England. Notwithstanding which, he is accused by some authors of treachery to king Richard II.; to obviate which, he entered into a conspiracy against king Henry, which his father, as before noticed, detected him in; for, calling to visit the old duke in his way to Oxford, he snatched the indenture of conspiracy from his son's bosom, and upbraiding him with treason, went immediately with it to the king; but this Edward outspeeding his father, came to the king before him, and obtained his pardon. The king, indeed, did forgive him, but took from him the dukedom of Albemarle, and the constableness of the Tower. This was the king's deportment to him while the crown sat tottering on his head; but growing more secure by the death of the late king Richard II., he afterwards held him in pretty good esteem, and Edward to him proved very faithful; and had the office of constable of the Tower restored to him for life. He was not less active under king Henry V., whom he served in his wars, and had the leading of the vanguard at the battle of Agincourt, where he was slain; and was from thence brought to England, and interred in the choir of Fotheringhay church, in Northamptonshire, under a flat marble, with his image inlaid in brass; which monument, upon the dissolution of religious houses, being defaced, queen Elizabeth caused a memorial to be written on that part of the wall of the church, to signify the interment of Edward, duke of York. He died without issue, and Richard his nephew, son of Richard, earl of Cambridge, his younger

brother, became his heir, and Philippa his wife, daughter and co-heir to John, lord Mohun, of Dunster, was re-married to sir Walter Fitz-Walter, knight. The said

Richard, of Coningsborough, so sirnamed from the place of his birth, in the county of York, second son of Edmund of Langley, duke of York, &c., fifth son of king Edward III.; was by king Henry V. in parliament created earl of Cambridge, which honour his father and brother had possessed before him. But he made that king an ungrateful return for the earldom bestowed on him, in conspiring with Henry, lord Scroop, of Masham, lord treasurer, and sir Thomas Grey, knight, to procure the king's death at Southampton, as he was there shipping his army for France, and to endeavour to set up Edmund, earl of March; for which, Richard and the other two lost their heads. He espoused to his first wife, Anne Mortimer, sister, and afterwards co-heir to her brother Edmund, earl of March, and daughter of Roger Mortimer, earl of March, son of Philippa, only daughter and heir to Lionel, duke of Clarence, third son of king Edward III., which marriage gave to the house of York their claim to the crown, and very probably, put aspiring thoughts into Richard's head; for had Mortimer attained the crown, and died without issue, the earl's children had been next heirs thereto, in right of their mother. The second wife of Richard, was Maud, daughter of Thomas, lord Clifford, who survived him, but had no issue by him. Those he had by Anne Mortimer, his first wife, were,

Richard, who succeeded his uncle Edward, duke of York, &c., and continued the descent, as hereafter mentioned.

Isabel, who married Henry Bouchier, earl of Essex.

Richard of York, only son of Richard of Coningsborough, earl of Cambridge, by Anne Mortimer his wife, was, by his father's side, derived from Edmund of Langley, fifth son of king Edward III., and by his mother, from Lionel, duke of Clarence, third son of that king. This Richard, notwithstanding his father died for treason against king Henry V., was by king Henry VI. his son, restored to all the honours which Edward, duke of York, his uncle, slain at the battle of Agincourt, without issue, enjoyed, which is imputed as an error in king Henry's councils, to

aggrandize him, to whom the possession of the earldoms of March and Ulster, with the lordships of Wigmore, Trim, Clare, and Connaught, had devolved as next heir to his uncle Edmund Mortimer, earl of March, who died issueless the 3 Hen. VI.; he was thereby furnished with pretensions to the crown, in right of Anne Mortimer his mother, sister to the said earl; but wanting power to put his title forward, he married Cecily, daughter of Ralph Nevill, earl of Westmoreland, by Joan Beaufort, his second wife, daughter of John of Ghent, duke of Lancaster, by which match he procured himself alliance amongst the nobility, especially in the great and flourishing family of Nevill, of which there was no less at that time than seven peers.

King Henry VI., on visiting France to receive that crown, assigned to this Richard the constablership of England, and after the death of the duke of Bedford, he, with the duke of Somerset, succeeded in the regency of France, and was soon after constituted lieutenant and captain-general of all France; but in this great command he did little, and all his ill successes were laid upon Somerset, who, on all occasions, was his rival, and not long after got the regency of France from him. The duke of Gloucester soon after being privately made away with by queen Margaret, the duke of York got rid of one of the main pillars that supported the house of Lancaster; and, to add greater weight to his ambitious designs, he was sent lord-lieutenant to Ireland, where he not only appeased that nation, then in a ferment, but won such favour from the Irish, as could never be separated from his family. He now opened his pretensions to the crown to some of his friends, and raised so great a faction among the commons, that he procured the banishment of William de la Pole, duke of Suffolk, queen Margaret's great favourite, who, in his passage to France, was treacherously murdered. This was followed by Cade's rebellion, one of the duke of York's friends, who lost his life for this treason. Things standing thus, duke Richard arrived from Ireland, and opened his breast to his brother-in-law, Salisbury, and Richard, earl of Warwick, his son, who were then styled the triumvirate; and, under pretence of removing Somerset from the king, took up arms; but a pacification ensued thereon,—the dukes of York and Somerset accused each other, till the former at length getting into

great reputation at court, and taking advantage of the king's sickness, caused the duke of Somerset to be arrested and sent to the Tower; but upon the king's recovery, he was again set at liberty, and made captain of Calais; whereupon the duke of York, and his adherents, levied an army, and marched towards London; whom, the king gave battle at St. Albans, and losing the day, was made prisoner, the duke of Somerset and others being slain.

Soon after a parliament was called, in which this Richard was constituted protector, and defender of the Church of England, till Edward the king's son should arrive at years of discretion: but from these high offices, being soon after degraded, he again took arms, and the battle of Blore-heath, in Shropshire, ensued, commanded by Richard, earl of Salisbury, for the duke; and, for the king, by lord Audley, who there lost his life, and left the field to the Yorkists. Whereupon the king's army approached that of the duke, near Ludlow; but the duke finding himself too weak, provided for his safety, and fled into Ireland, and with his son, the earl of March, was attainted in parliament: but not long after, the earls of March, Salisbury, and Warwick, arriving in Kent from Calais, raised new forces, with which they gave the king battle at Northampton, and there a second time made him prisoner. And now the duke of York returning from Ireland, laid claim to the crown, and published the same in parliament, where it was concluded that king Henry should reign during life, and the crown descend afterwards to Richard, duke of York, and his heirs; who was thereupon proclaimed heir to the throne, and protector of the realm.

Queen Margaret, who with her young son, prince Edward, had fled to the north, raised forces, and encountering Richard at Wakefield, he was there slain; the earl of Salisbury was made prisoner, and the young earl of Rutland, the duke of York's son, then not more than twelve years of age, slain in cold blood by the lord Clifford, in revenge, as he alleged, for his father's death, slain by Rutland's father, the duke of York.

Thus died Richard, duke of York, anno 1460, whose head being crowned with a paper diadem, was presented to queen Margaret, who at that ghastly sight made herself merry, under the pleasure of her great success. The head of the earl of Salisbury was likewise taken off, and

with duke Richard's, set on the walls of York ; but king Edward, his son, took them down after his victory at Towton-field, and caused his father's head to be placed with his trunk, and with the corpse of young Rutland, his brother, to be buried at Pontefract ; from whence, by the said king's commands, their bones were afterwards removed, and with great solemnity interred at Fotheringhay.

By Cecily Nevill his wife, aforesaid (who survived him thirty-five years, and was interred with him at Fotheringhay), he had the issue following, eight sons and four daughters :—

Henry of York, eldest son, died very young.

Edward of York, second son, who afterwards attained the crown by the name of Edward IV.

Edmund of York, third son, created earl of Rutland, slain at the battle of Wakefield, as aforesaid.

William of York, fourth son, died young.

John of York, fifth son, died young.

George of York, duke of Clarence, sixth son, hereafter mentioned.

Thomas of York, seventh son, died an infant.

Richard of York, duke of Gloucester, eighth and youngest son, who afterwards usurped the crown, by the name of Richard III.

Anne of York, married first, Henry Holland, duke of Exeter ; secondly, sir Thomas St. Leger.

Elizabeth, married John de la Pole, duke of Suffolk.

Margaret, married Charles, duke of Burgundy, and was the great promotress and supporter of the conspiracies and insurrections against king Henry VII. During his reign,

Ursula, the youngest daughter, died young.

George, sixth son of Richard, duke of York, was born in Ireland at the time of his father's residence there ; he was sent by the duchess Anne, his mother, to the city of Utrecht, where he met with his brother Richard, and continued till his eldest brother, king Edward IV., had obtained the crown ; in the first year of whose reign, anno 1461, and shortly after his coronation, the said George was created duke of Clarence, in a parliament then holden at Westminster.* In 2 Edw. IV., for the better support of his dignity, he obtained a grant in tail-general of several manors, which

* Rot. Parl.

by the attainder of the earl of Northumberland, 1 Edw. IV., came to the crown,* and 5 Edw. IV. he was constituted lieutenant of Ireland for the term of twenty years;† but shortly after this, in 9 Edw. IV., conceiving himself slighted, inasmuch as the king had preferred his kindred to eminent marriages, and neglected him and his brother, the duke of Gloucester, he was, by the instigation of Richard Nevill, earl of Warwick, engaged to transfer the crown from king Edward's head, to that of the deposed king Henry VI., and that Clarence might join the more faithfully with him in this design, the earl of Warwick gave him his eldest daughter, Isabel Nevill, in marriage,‡ together with one half of the inheritance of Anne her mother, who was sister and sole heir to the great Henry Beauchamp, king of the Isle of Wight and duke of Warwick, and daughter of Richard, the fifth Beauchamp, earl of Warwick, by Isabel his second wife, daughter of Thomas, lord Le Despenser, and earl of Gloucester, sister and heir to Richard, lord Le Despenser: (being a match no way inferior to any of those king Edward had bestowed upon others,) which Isabel, duchess of Clarence, was born in the castle of Warwick, 5th September, 1451, where she afterwards deceased, and was buried at Tewkesbury.

* Rot. Pat.
2 Edw. IV.
p. 1. m. 3.
† Pat.
5 Edw. IV.
p. 1. m. 12.

‡ Hollinsh.
Chron.

The duke of Clarence hereupon went over to Calais, where he married this lady in the church of Notre-Dame, and not long after, he and his father-in-law, assisted by the French king, returned to England; where, joining their confederates, they marched to London, and, without a battle, delivered king Henry VI. out of the Tower, after he had been a prisoner almost nine years; then setting the crown on his head a second time, they conveyed him, robed in a blue velvet gown, through London, to the bishop's palace, where he kept his court. After which, in a parliament begun at Westminster, 26th November, 1469, king Edward being declared a traitor and usurper, his goods were confiscated, and the crowns of England and France entailed upon king Henry, and the heirs male of his body lawfully begotten, with the remainder to this George, duke of Clarence, and his heirs male lawfully issuing, as next heir to his father Richard, duke of York, thereby disinheriting his elder brother king Edward, by virtue of the aforesaid attainder.

Clarence, who to gratify his private resentments, had thus too successfully taken arms against his king and brother, began afterwards at leisure to repent the injustice of his actions, and therefore resolving to turn the scales, even at the lowest ebb of king Edward's fortune, he forthwith, when his brother landed in England, under pretence of claiming his dukedom of York, joined him near Warwick with those forces which he had raised professedly for the purpose of assisting the earl of Warwick, whom he earnestly invited also to make his peace.

Hereupon followed the battle of Barnet, which was fought 14th April, 1471, in 11 Edw. IV., being Easter-day, (where king Edward, with this duke, led the main battle,) in which the great earl of Warwick, and his brother, the marquis of Montague, lost their lives, while they fought against a prince, whom with so much hazard and indefatigable labour they had before raised to the throne. Having, therefore, in this great exigency, firmly adhered to king Edward his brother, in the very same year, viz. the 11 Edw. IV., the parliament then sitting, he did there, with many of the peers, recognize his right, and swear fealty to Edward, his eldest son;* and in 12 Edw. IV., in consideration of his marriage with Isabel, the eldest daughter and co-heir to Richard Nevill, earl of Warwick and Salisbury, he was by special letters patent,† dated the 25th of March, created earl of Warwick and Salisbury; and about two months after, viz. the 10th of May, 1472, upon the surrender of his brother Richard, duke of Gloucester, he had the office of great chamberlain of England granted him for term of life; and in a patent, bearing date the 14 Edw. IV., the king styled him, *Præcharissimus frater noster Georgius, dux Clarenciæ, comes Warrewici, Sarum, dominus de Richmond, magnus camerarius Angliæ, nec non locum tenens noster terræ nostræ Hiberniæ*. By which titles he wrote himself upon the 20th day of March, 12 Edw. IV., excepting that of lieutenant of Ireland.

Thus dignified, he lived till the 17th year of that king, when, through the envy of his brother Richard, duke of Gloucester, being attainted of high treason before Henry Stafford, duke of Buckingham, then steward of England, he was committed to the Tower.

The particulars of his charge were, that he laboured to make the world

* Claus.
11 Edw. IV.
in dors. m.1.
† Chart. ab.
11 usq.
14 Edw. IV.
n. 10 & 11.

believe that king Edward wrought by necromancy, poisoning those subjects that he hated; that he proposed to exalt himself and his heirs to the royal dignity; most falsely publishing the king to be a bastard, and as such incapable of rule; that he induced several of the king's natural subjects to be sworn upon the blessed sacrament to him and his heirs, without any reservation of their allegiance; that pursuant hereunto, he had gotten an exemplification under the great seal of Henry VI. declaring, that if the said king and his son, prince Edward, should die without issue male, that the said duke and his heirs should enjoy the crown; to confirm which, the misapplication of a certain prophecy, "That a G should reign after an E," to be meant of this *George*, when *Gloucester* more craftily lay in wait for the crown, contributed not a little.

This troubled the king much, but the queen more, of both whom the duke was highly suspicious; and, being at that time a widower, sent to his sister Margaret, duchess of Burgundy, to procure a match for him with her husband's daughter, the lady Mary, against which the queen most earnestly interposed, and solicited the lady in behalf of Anthony, earl Rivers, her brother, whereby the duke received great prejudice, and new jealousies were daily created in the king's breast.

In short, whether criminal or not, he was, at the parliament begun at Westminster, 15th January, the 17 Edw. IV., anno 1477, attainted of high treason, and the 18th February following, after he had offered his mass-penny in the tower of London, was drowned in a butt of malmsey,—his brother, the duke of Gloucester, as it is said, assisting thereat with his own hands. And though the king consented to his death, yet no sooner was the unnatural deed accomplished, than he repented it, and was so grieved at the remembrance thereof, that when any one solicited him to spare the life of a condemned person, he would openly say, "O, unfortunate brother! for whose life no man would make suit!"

This duke was buried at Tewkesbury, in Gloucestershire, near the body of his duchess; who being with child, died of poison not long before.

The issue he had by her was as follows:—

Edward Plantagenet, earl of Warwick, the eldest son of George, duke of Clarence, and Isabel Nevill, and nephew to king Edward IV., was born

in the castle of Warwick, and after the death of his father bore the title of earl of Warwick. He was a child of most unhappy fortune, having from his cradle been nursed up in prison, and his fatal day expedited by his weakness; for soon after the death of his uncle, king Edward IV., he was, by Richard, duke of Gloucester, his other uncle, sent to the castle of Sheriff-Hoton, in the county of York, there to be secured, that duke intending to murder his two nephews, (sons of king Edward IV.) and to make himself king; there he remained, till king Henry VII., immediately after the battle of Bosworth, (even before his departure from Leicester,) sent sir Roger Willoughby, knight, to the said manor of Sheriff-Hoton, for this Edward Plantagenet, earl of Warwick, then fifteen years old, and caused him to be imprisoned in the tower of London, where he remained till his death, which in the next place was thus occasioned:—

It happened that a youth of mean birth, named Ralph Wilford, a cordwainer's son, being seduced by one Patrick, an Augustine friar, to take upon him the name and person of this earl Edward, gave out that he had lately escaped out of his prison, the tower of London, causing a great tumult amongst the commons, who were glad to hear that a branch of the Plantagenets was to be restored to the imperial diadem; and this was one of those winding ivies of a Plantagenet, that killed the true tree itself.

It was most unfortunately true, that at the same time this Edward consulted with Perkin Warbeck, the counterfeit Richard, duke of York, (at that time imprisoned likewise in the Tower, by king Henry VII.,) about their escape, which being discovered before it could be executed, this poor prince was shortly after arraigned before the earl of Oxford, then high steward of England, *pro tempore*, not simply for attempting to escape,—for that could not be treason,—but for conspiring with Perkin to raise sedition, and to destroy the king; the earl confessing the indictment, had judgment passed upon him the 21st of November, and was accordingly executed upon Tower-hill, the 28th of November, 1499, in 15 Hen. VII. After which, on the 25th of January following, the better to countenance this cruel action, he was attainted in the parliament then holden, so that all the favour he had, was, that his body should be sent to the abbey of Bisham, in the county of Berks, and there interred with those of his ancestors.

Such was the end of this noble and commiserated prince Edward, earl of Warwick, in whom the male line of the Plantagenets determined, after having flourished in great royalty, (though often dipt in their own blood,) from the time of the famous king Henry II., being the space of upwards of three hundred years.

But it was neither guilt of crime, nor reason of state, could quell the disgust against the king for this execution, since it was generally believed that Perkin was but the bait to entrap this earl, although king Henry laid it upon Ferdinand, king of Spain, producing letters about the treaty of marriage between prince Arthur and that king's daughter, plainly declaring his suspicions of an interrupted succession, so long as the earl of Warwick lived, and his unwillingness to expose his daughter to troubles and dangers. Whereby, though the king did in some part remove the odium from himself, yet he brought forward a kind of malediction upon the marriage, the more notable, as that hopeful prince lived but a very short time after the nuptials, and the lady Catherine herself remained a melancholy woman ever after; insomuch, that when king Henry VIII. made known to her his resolution of being divorced, she expressed herself to this effect: that she had not offended, but that it was a judgment of God, for that her former marriage was made in blood,—meaning through the death of the earl of Warwick.

Richard, second son of George, duke of Clarence, born at Tewkesbury, lived not a quarter of a year, and deceasing the year after his mother, in the castle of Warwick, was interred in the church there.

——, eldest daughter of George, duke of Clarence, was born at sea, died an infant, and was buried at Calais.

Margaret, second daughter of George, duke of Clarence, was born at Farley Castle, near Bath, in Somersetshire, and became the wife of sir Richard Pole, knight, son of sir Jeffery Pole, knight, descended from a family of ancient gentry in Wales, who having valiantly served king Henry VII. in his wars of Scotland, and being a person much accomplished, was made chief gentleman of the bedchamber to prince Arthur, and knight of the Garter, whereupon attending him into Wales, he received command to govern in those parts.

The time of his death does not appear; but by the lady Margaret, his wife, he left issue four sons and a daughter.

After which, 5 Hen. VIII. she exhibited her petition in parliament, as being only sister and heir to Edward, earl of Warwick and Salisbury, daughter and heir to Richard Nevill, earl of Salisbury, son and heir to Alice, daughter and heir to Thomas Montague, earl of Salisbury; upon which she was, upon the 14th of October, anno 5 Hen. VIII. in the same parliament, restored to the dignity of countess of Salisbury, by the king; but proving afterwards as great an eye-sore to him as her brother had been to king Henry VII. his father, she was, (31 Henry VIII.) condemned in parliament for high treason, (certain bulls from Rome having been found at Cowdray, her mansion-house;) together with Gertrude, wife of Henry Courtney, marquis of Exeter; Reginald Pole, her son; sir Adrian Fortescue, and others.

She was also charged with having conveyed, by the means of the minister of Warblington, letters to her son Reginald, the cardinal; and that she had forbidden all her tenants to have the New Testament in English, or any new book privileged by the king. What other cause there might be, is uncertain; but we have ample testimony that she behaved with great fortitude and resolution, though seventy years of age, and would not confess any thing. She had, however, sentence of death passed upon her without being heard, and two years after, without arraignment or trial, was beheaded in the Tower of London, 27 May, 1541, 33 Henry VIII.

The house of York bore their arms prior to ascending the throne, *viz.*

France and England quarterly.—Arg. a Label.

William of Windsor, so named from the place of his birth, was the sixth son of king Edward III. but deceased so very young, that no mention is made of him, except that he was born at Windsor, and interred at Westminster; where, in the chapel of St. Edmund, is to be seen a tomb of grey marble, on which lie the figures of this William, and Blanch de la Tour, his sister, carved in alabaster.

Thomas, (surnamed of Woodstock,) seventh and youngest son of king Edward III., was born at the king's manor-house at Woodstock, in the county of Oxford, anno 1355.

In the 50th year of his father's reign, he sat in the parliament then holden at Westminster, by the title only of constable of England,* which office was granted him the same year, it having fallen into the king's hands, by the minority of the heir of Humphrey de Bohun, earl of Hereford, and constable of England.

* Dugd.
Lists of
Summ.

King Richard II. upon the day of his coronation, created this Thomas his uncle, earl of Buckingham, with an annuity of one thousand pounds per annum, to maintain that dignity; and soon after by patent, confirmed him in the office of constable of England; and he had summons to parliament by the title of earl of Buckingham, and constable of England.

He took to wife Eleanor, the eldest of the two daughters and co-heirs to theaforementioned Humphrey de Bohun, earl of Hereford, &c. in right of which Eleanor, the earldoms of Essex and Northampton, with the constablenesship of England, were given to him; which Eleanor survived her husband two years, and spent her widowhood in the abbey of Barking, where she became a nun; she died 1 Hen. IV. and was interred in the chapel of St. Edmund, in Westminster Abbey, under a monument of grey marble, with her effigies thereon inlaid in brass.

This Thomas, earl of Buckingham, 9 Richard II. was summoned to parliament as duke of Albemarle,† and the same year was advanced to the dignity of duke of Gloucester.‡ He was a man of valour and prudence, and very assiduous in the interest of the king, his nephew, and the good of his country.

† Rot. Parl.
9 Rich. II.
vol. iii.
p. 206.
‡ Afterwards
duke of
Norfolk.

But all these eminent virtues were sullied by extreme passion and obstinacy, ever repining against the king, and endeavouring to thwart him in his measures, vainly relying on the same authority which he had exercised during the king's minority, and using very harsh admonitions in the ears of a prince arrived to thirty years of age. This bred in the king a great dislike, which in the end proved his ruin; for, consulting with Thomas lord Mowbray, afterwards duke of Norfolk, it was resolved to make him away, that the king might be rid of so strict an observer of his actions: in the end, he was suddenly seized (by the royal privy) at Pleshy, in Essex, and conveyed to Calais, where he was smothered under a feather-bed, by Seile, Francis, and others; who telling him the king's command, that he

must die, he answered, "That if it were his sovereign's pleasure, he submitted to it."

This appears by the examination of John Hall, taken in parliament, 1 Hen. IV. who being privy to, though not acting in the murder, was sentenced to be executed at Tyburn, and his body sent to Calais, where the fact was done. Thus died this Thomas, duke of Gloucester, anno 1397, 21 Ric. II. who about two years after was deposed, and himself murdered, having before sentenced Thomas Mowbray, earl-marshal, to perpetual banishment. The body of the duke of Gloucester was afterwards brought into England, and buried in the college of Canons Regular, founded by him, and dedicated to the Holy Trinity, under a handsome sepulchre which he had provided in his life-time: his reliques were afterwards removed, and laid under a marble tomb, inlaid with brass, in the chapel of the kings at Westminster, beautified with his own figure, that of duchess Eleanor his wife, king Edward his father, and queen Philippa his mother, and all his brothers and sisters.

Thomas of Woodstock, by Eleanor Bohun, his wife, had issue,

Humphrey Plantagenet, earl of Buckingham, his only son, who was after the untimely death of his father, together with Henry, son and heir to Henry of Bolingbroke, duke of Hereford, sent to Ireland by king Richard II. and there imprisoned in the castle of Trim. But Bolingbroke having attained the crown, sent for them immediately from their imprisonment, designing for this Humphrey all his father's honours, but he unfortunately died of the plague at Chester, in his return to England, whose corpse was conveyed to Walden, now Audley-End, and there interred, leaving his sisters his heirs, *viz.*

Anne Plantagenet, first married to Thomas, earl of Stafford, who dying without issue, 15 Ric. II., she took to her second husband, Edmund, the fifth earl of Stafford, brother and heir to the said earl Thomas, which Edmund was slain at the battle of Shrewsbury, 4 Hen. IV. having had issue by her, Humphrey, earl of Stafford, created duke of Buckingham, &c. who fell at the battle of Northampton, 38 Hen. VI., father of Humphrey, earl of Stafford, who died, *vita patris*, of the wounds received at the first battle of St. Albans, 33 Hen. VI., and left issue Henry, duke of Bucking-

ham, (beheaded at Salisbury, 1 Ric. III.) father of Edward, duke of Buckingham, beheaded on Tower-hill, 13 Hen. VIII., who had issue Henry Stafford, who was restored in blood, but admitted only to the barony of Stafford, as under the article of Stafford may be seen more fully set forth.

This Anne Plantagenet, countess of Stafford, took to her third husband, William Bouchier, created earl of Eu, at Maunt, in Normandy, 7 Hen. V., who, together with his said wife, was buried in the priory of Lanthony, in Gloucestershire, leaving issue.

Joan, second daughter, married Gilbert lord Talbot.

Isabel was a nun in the Minorities.

Philippa died young.

It may be observed that authorities* differ as to the priority of these daughters.

* Milles,
Brooke, &c.

Of the daughters of king Edward III.

Isabel, the eldest, married Ingelram de Coucy, a celebrated soldier, (son of another Ingelram, by Isabel his wife, daughter of the duke of Austria, lord of Coucy, Soissons, &c. and after duke of Austria,) which Ingelram, by his father-in-law, king Edward III. was created earl of Bedford, anno 1366. This Isabel was buried in the church of the Friars Minors, without Aldgate, leaving issue by her said husband two daughters, *viz.* Mary de Coucy, married to Robert de Barr; and Philippa de Coucy, who was given in marriage to Robert de Vere, duke of Ireland, marquis of Dublin, and earl of Oxford, (the great favourite of Richard II.,) who, in the height of his fortunes, forsook this noble lady, and married, as tradition says, one Lancerona, a joiner's daughter, who came from Bohemia with the wife of king Richard II. Notwithstanding which affront to his near kinswoman, king Richard endeavoured to justify him, like another Gaveston, in all his pride and extravagance, which drew upon him the hatred of the nobility, and occasioned his banishment. He had issue by this Philippa, his wife.

Joan, second daughter of king Edward III. was born in the Tower of London, anno 1335, in the 9th year of her father's reign. At the age of fourteen she was desired in marriage by Alphonso, king of Castile and Leon,

son of king Ferdinand IV., and espoused by proxy; she had the title of queen of Spain, and was conveyed into that country, where she presently died of the plague that then raged, so that king Alphonso, coming to meet her, to solemnize his nuptials, with great grief accompanied her only to her funeral, which happened in the 22d of her father's reign, anno 1348.

Blanch de la Tour, so called from the place of her birth, the Tower, third daughter of king Edward III., died an infant, and was interred in the abbey of Westminster, anno 1340, where her figure in alabaster lies by the side of that of her brother, William of Windsor, before mentioned.

Mary, fourth daughter of king Edward III., was the wife of John Montfort, surnamed the Valiant, duke of Brittany, and by him had issue, John, duke of Brittany, called the Sage, father of Peter and Francis, both dukes of Brittany, who died without issue male; Richard, count of Estampes, and Arthur, the third of that name, duke of Brittany.

Margaret, fifth and youngest daughter of king Edward III., born at Windsor, anno 1346, was the first wife of John Hastings, earl of Pembroke, who was poisoned in France, by whom she had no issue; nor is any further mention made of her.

RICHARD II.

This *Richard* was the second born, but only surviving child of Edward, prince of Wales, otherwise called the Black Prince, by Joan, countess of Kent, his wife. He was born at Bourdeaux, anno 1366, and, at his baptism, was honoured with the presence of two kings for his god-fathers, *viz.* Richard, king of Navarre, and James, king of Majorca.

This prince had not compleated his seventh year, when his grandfather, king Edw. III. upon his last expedition into France, in the 46th of his reign, anno 1372, by commission constituted him custos of the kingdom, and his lieutenant during his absence, in which commission he was styled Richard, son and heir apparent of Edward, prince of Wales and Aquitaine, &c.*

* Rot. Pat.
46 Edw. III.
m. 25.

During that parliament, called the Good, held at London, anno 1376, prince Edward, his father, being dead, he was therein created earl of Chester, and not long after duke of Cornwall, and prince of Wales.*

* Vide Rot. Chart. 47 Edw. III. nos. 5, 6, and 10.

The year following, anno 1377, upon the feast of St. George, he had the order of knighthood conferred on him at Windsor, by king Edward III., his grandfather, who also, to prevent disorder in the succession, which was then apprehended, settled the crown in parliament upon this Richard, who not long after became possessed thereof, at the age of eleven years; and on 16th July the same year, anno 1377, he was solemnly and magnificently crowned at Westminster, and the management of affairs committed to John, duke of Lancaster, and Edmund, earl of Cambridge, his uncles, and some others, and the tuition and care of the royal person confided to Guiscard d'Angle, or Engolesme (^{2m}).

Those princes that had any quarrel with England, thought this minority of the crown the most fit opportunity to accomplish their ends. France and Scotland set the example; the first, burning several places on the coast; and the latter making great havock on the borders, which was retaliated on the part of the English, and with various success continued for some time.

The dangerous rebellion under Wat Tyler and Jack Straw, succeeded this; wherein the queen mother was insulted, the archbishop of Canterbury, the lord chancellor, and lord treasurer, with many others, beheaded.

Thus was the beginning of this unhappy king's reign full of troubles, but having afterwards a little respite from his enemies, he thought of marriage, and, anno 1382, wedded the lady Anne, daughter of the emperor, Charles V., and sister to Wenceslaus, emperor and king of Bohemia, who was with great pomp and ceremony crowned soon after at Westminster, and having been his wife twelve years, died at the king's manor of Sheen, in Surry, without issue, anno 1394. Her loss extremely afflicted the king, who was so passionately fond of her, that he not only ever after abandoned, but cursed, the very place of her death.

(^{2m}) King Richard gave to the shrine of king Edward the Confessor, at Westminster, a ruby ring, which he ordained should be, for ever after, worn by the kings of England, on their coronation day.—Rot. Chart. 11, 12, and 13 Ric. II. n. 14-17.

Her corpse being embalmed, was solemnly interred at Westminster, where her effigy of copper gilt is still to be seen, lying hand in hand with king Richard II. her husband, on the tomb erected for him by king Henry V.

His contentions with the French and Scots were now again revived, and the little success of his arms, together with the promoting undeserving persons to great honours and places, began to raise discontent among the people; the duke of Gloucester, his uncle, and others of the nobility, who were really his friends, joined their endeavours to draw him from these errors, but in vain, till it was produced by force.

Great numbers of Irish having come over, were commanded to go back to Ireland, whither the king himself, not long after, (anno 1393) went, and at Dublin summoned a parliament; but the Lollards increasing in England, the clergy petitioned his return: matters at length being adjusted, he proceeded to France, where, at that famous interview between him and Charles VI., king of France, anno 1396, betwixt Ardres and Guyen, king Richard espoused the lady Isabel, eldest daughter of that monarch, whom, in the presence of many of the nobility of both kingdoms, he received from the hands of her father, as a pledge of that peace and amity concluded between the two kingdoms, which was then agreed on for twenty-nine years.

This princess Isabel was not then above seven or eight years of age, her person was therefore committed to the care of the duchesses of Lancaster and Gloucester, who accompanied her to Calais, where she was solemnly married to king Richard, but, through the tenderness of her years, no consummation then took place, which was afterwards prevented by his own dethronement and death; for the insulted part of the nobility, joining with Henry of Bolingbroke, he, during king Richard's absence in Ireland, where he was once more gone to revenge the death of his cousin Mortimer, earl of March, lieutenant of that realm, took the opportunity of returning to England, (being then under sentence of banishment,) and, under pretence of recovering his estate, seized on the throne.

The king having secured the children of the dukes of Lancaster (Bolingbroke) and Gloucester, hastened to England, being then in no fear of prevailing; but upon his arrival, hearing of the revolt of his castles, the

death of his counsellors, and that the greater part of the nobility and commons had forsaken him, he fell into despair. Though his soldiers offered to live and die with him, yet he dismissed his family, bidding them reserve themselves for better times, and the next night, with the bishop of Carlisle and a few of the nobility, left the army, and retired to Conway Castle, where the archbishop of Canterbury and the earl of Northumberland, coming to him from Bolingbroke, the king proposed, That if he, and eight more he should name, might have an honourable allowance, with the assurance of a peaceable and quiet life, he would resign his crown; which Northumberland swearing to perform, he came to London, and was lodged in the Tower.

Bolingbroke calling a parliament, the king was adjudged to be deposed; whereupon, he was advised rather to make a voluntary resignation of the crown, which he solemnly did,* in the presence of several of the nobility, and others sent to him for that purpose, anno 1399, and taking his signet from his finger, put it upon Bolingbroke's, desiring he might be his heir. This resignation was immediately ratified in parliament, and the deposed king removed to Leeds Castle, in Kent, and from thence to Pontefract, (to the end, that by often changing his residence, he might be the more secretly despatched, or the more uncertainly found,) where, it is said, he was served with costly meats, but not suffered to eat, and at length died of forced famine. Others assert that he voluntarily starved himself. But one author, with more certainty assures us, he was basely murdered; and his death is recorded to have taken place in the following manner:—

* Rot. Parl.
Vol. III.
p. 416-17.

King Henry, after he had defeated the conspirators that designed his death, and the restoration of king Richard, sitting at his table, seemed very pensive, and made use of these words: "Have I no faithful friend that will rid me of him, whose life will breed destruction to me, and disturbance to the kingdom?" Upon which speech, one sir Pierce, of Exton, immediately departed the presence, with eight men in his company, and repaired with all possible speed to Pontefract: being all armed, they entered the room where king Richard was at dinner, who apprehending

their design, advanced to the foremost, and wresting the bill out of his hands, slew four of the assailants; but at length sir Pierce, their leader, having mounted upon a chair, with his axe struck out his brains, on St. Valentine's day, anno 1399, the 1 Hen. IV., after he had reigned twenty-two years. Having been thus most treacherously put out of the world, his body was embalmed and covered with lead; and being brought to St. Paul's, London, was there exposed for three days to public view, and afterwards obscurely buried at Langley, in Hertfordshire; but by the orders of king Henry V. it was removed from thence, and solemnly interred in Westminster Abbey, himself and the greater part of the nobility attending the exequies. He also erected for him, and his first queen, Anne, a magnificent tomb of grey marble, on the south side of the chapel of the kings, at the head of king Edward III., with their portraitures lying thereon of copper gilt.

King Richard died S. P., and with him ended the line of Edward the Black Prince.

It should not pass unnoticed, that, notwithstanding the historical assertions, that king Richard was murdered by the privy of king Henry, there is very good reason to believe, that he was neither famished, nor assassinated; but the true nature of his death is a subject too long and intricate here to enter into, and discuss.

THE HOUSE OF LANCASTER.

HENRY IV.

This *Henry*, as before observed, was the only son of John of Ghent, duke of Lancaster, fourth son of king Edward III., by Blanch, his first wife, daughter and at length heir to Henry, earl of Lancaster, second son of Edmund, surnamed Crouchback, the first earl of Lancaster, second son of king Henry III. He was surnamed of Bolingbroke, in Lincolnshire, where he had his birth, about the year 1366.

In a parliament holden at Westminster, 9 Ric. II., his cousin, he was styled earl of Derby; and, taking to wife Mary de Bohun, the younger daughter and co-heir to Humphrey, earl of Hereford, Essex, and Northampton, and constable of England, enjoyed in her right the earldoms of Hereford and Northampton, the lordship of Brecknock, and the patronage of Lanthony. By which wife, (who lived not to be queen,) he had a numerous and royal offspring, which will be seen hereafter: she died in 1394, and was interred in the cathedral church of Canterbury, which place king Henry himself, out of a sincere love to her, made choice of for his own interment.

Whilst earl of Derby, he signalized himself in an expedition he made into Prussia, where, joining his forces with those of the grand marshal of Prussia, he routed the army of Skirgal, king of Lithuania, and shutting up the said king in that city, whereunto he had fled, he assaulted the place, set up his standard on the wall, and took it, and afterwards returned home with great glory and reputation.

In 22 Ric. II. he was created duke of Hereford; and not long after, being accused by Thomas Mowbray, duke of Norfolk, of high treason, he

challenged the said duke to single combat, and both appeared at the time and place appointed, but were suddenly stopped ; the duke of Norfolk was banished for life, and this duke for ten years. ^(2ⁿ)

How he attained the throne, the reader has heard already, under the head of Richard II., his predecessor ; his coronation ensued soon after, which was very magnificent, and the crown was by parliament entailed on him, and the heirs of his body lawfully begotten.

The same year, in another parliament holden at Westminster, several acts made in the reign of Richard II. were repealed ; the earl of Warwick was soon released out of prison ; the earl of Arundel restored to his honour and estate ; and several, who had been banished by Richard, were recalled. Accusations were likewise exhibited in parliament against many great men, for conspiring against the new king, who prudently waived them all, as not yet knowing how to trust the temper of the people.

In order to moderate the hard opinions of foreign princes, as well as his subjects at home, concerning the deposition of king Richard, ambassadors were sent to most of the foreign courts, the greater part of which, not being much concerned in the matter, were easily satisfied ; though the French, who had lately married a daughter to king Richard, prepared an army, but before they had entered on action, hearing of king Richard's death, their forces were disbanded.

Thus he became safe abroad ; but king Richard being still living, and many of the nobility having it in their hearts to restore him, a great conspiracy was formed against him, which was to invite him to a tournament at Oxford, and there procure his death ; which being happily, and by accident, discovered to king Henry, he forbore going ; on which, the confederate lords perceiving their plot was discovered, set up one to personate king Richard, and had recourse to arms, but were defeated at Cirencester, where several of them were executed, and the king relieved from all further apprehension.

(^{2ⁿ}) Vide the account of this challenge, the meeting, and subsequent interposition of king Richard II., detailed in Smollet's *History of England*, and Banks's *Marmyun Family*, p. 104.

The next year he was again disturbed by the rebellion of Owen Glendour, and the inroads of the Scots; but the latter being defeated at the battle of Hallydown-hill, and Glendour finding himself disappointed in the assistance he had expected from the French, these disturbances were quickly subdued.

King Henry having been now a widower nine years, took to his second wife Joan of Navarre, daughter of Charles II., king of Navarre, and count of Eureux, surnamed the Bad, relict of John, earl of Montfort, the valiant duke of Brittany, whom he espoused at Winchester, 1403, and caused her to be crowned at Westminster soon after. She outlived the king her husband many years, and died without issue by him, at Havering, in Essex, 15 Hen. VI., anno 1437, and was interred at Canterbury, where her effigies are still to be seen, lying on the right hand of king Henry IV. her husband, upon his monument there.

The same year of king Henry's last marriage, began that memorable rebellion of Hotspur and Owen Glendour, who were overcome at the battle of Shrewsbury; after which, except some trifling incursions by the French and Scots, king Henry reigned in peace; but historians tell us, he had a troubled mind, reflecting on the effusion of blood he had caused by his unjustly seizing the crown; to expiate which, he resolved upon a crusade to Jerusalem, and made great preparations for it, there intending to end his days, having been told by a soothsayer, that in Jerusalem he should die, which in some measure, it seems, was verified; for being at his prayers in Westminster Abbey, before the shrine of St. Edward, he was seized with an apoplexy, in which fit, being removed to the abbot's house, and there coming to himself, he hastily asked where he was? and being answered, that the place he was in was called the Jerusalem chamber, he immediately said, "Lord have mercy upon me, for here I must die;" as indeed he did, on the 20th of March, 1412, in the fourteenth year of his reign.

Having commanded, all the time of his sickness, that the crown should lie by him, prince Henry supposing him dead, took it away; which the king, recovering, asked for, and had it restored by his son; wishing him a long life to wear it; whereto he is said to have answered, sighing, "What right I had to it, God knows." The prince replying, "Whatever right

you had, after your decease, my sword shall maintain it mine." "Well," said the king, "I refer all to God; but on my blessing, be sure to administer impartially, and use mercy;" and turning about, added, "God bless thee, and have mercy upon me!" and so departed this life.

His body, with the highest funeral pomp, was conveyed to Feversham by water, and thence by land to Canterbury, where it was solemnly interred, and his obsequies performed on Trinity Sunday, in the presence of king Henry V. and many of his nobles. His tomb is of alabaster, gilt, and seems to have been erected by Joan of Navarre, his second wife, whose effigies lie thereon on his right hand, placed between two pillars, on the north side of the chapel of St. Thomas à Becket, opposite to the monument of Edward the Black Prince, and embellished with escutcheons, &c.

The children he had by Mary de Bohun, daughter and co-heir to Humphrey, earl of Hereford, &c., were two daughters and four sons. Of the former,

Blanch of Lancaster, eldest daughter, was married at Cologne in 1402, to Lewis, surnamed Barbatus, afterwards duke of Bavaria. Upon his decease she was espoused to the king of Arragon, and surviving him, she married the duke of Barre, but died without issue by either of them.

Philippa of Lancaster, second daughter, was, in the year 1405, sent into Denmark, and there espoused to John, king of Denmark and Norway, but died without issue.

Of the sons,

Henry of Lancaster, surnamed of Monmouth, was his successor, by the name of Henry V.

Thomas of Lancaster, second son, was, in the first year of Henry IV., his father, constituted steward of England, and four years after, lord of Ireland, for the term of three years, anno 1403. In the 13th year of his said father's reign, he was created earl of Albemarle, and duke of Clarence. He was likewise made president of the council, after his brother Henry was dismissed from that office for striking the lord chief-justice.

In the reign of Henry V., his brother, he had likewise the offices of constable of the king's host, and lieutenant-general of his armies in

France and Normandy; but was a man (say our historians) of a violent and obstinate disposition, which his father was ever used to fear would make him a disturber of the government, but was indeed the occasion of his fall; for being betrayed by his scout-master, who reported the number of the enemy to be far less than they were, he precipitated himself into a battle at Baugy, contrary to the advice and opinion of his officers and friends; for leaving his bill-men and archers behind him, which were the chief of his strength, he hastily marched against the enemy with his few horse.

The sudden approach of the duke of Clarence forced the Scots into the church of Baugy, where, however, they resolutely defended themselves, which gave time to the rest of the enemy, who had taken the alarm, to man the bridge, and inclose the duke; which he seeing, and finding no possibility to disengage himself, dismounted, and came to blows with Buchiquhanan, general of the Scots and French armies, who was followed with two hundred horse, when both sides fighting with equal ardour and bravery, Clarence gave eminent proof of his great courage, till such time as he was going to remount his horse, a Scots officer wounded him in the face with his lance, and threw him to the ground, being the first Englishman that was there slain. He had on that day on his helmet a circlet enriched with precious stones, which being taken by a Scot, was sold to John Steward, of Derby, for a thousand angels. Many of the nobility, though they approved not his conduct, yet resolutely accompanied him in his death.

The English army, under the earl of Salisbury, coming somewhat too late, had not an opportunity to avenge this blow: for the French army, upon their advancing, presently gave ground; whereby, however, the body of the duke of Clarence was recovered, and (with others of note,) conveyed to England, and interred in St. Michael's chapel, in the cathedral of Canterbury, where his effigies in alabaster, lying on the right hand of his duchess Margaret, is to be seen.

Which Margaret, his wife, was the third daughter of Thomas Holland, and sister and co-heir to Edmund Holland, both earls of Kent, relict of John Beaufort, duke of Somerset. She surviving this duke her husband,

erected the monument aforesaid, but by him had no issue. We find, however, a natural son that he had, named

Sir John of Clarence, but not mentioned by whom, frequently called in records, John the bastard of Clarence. He was one of those that accompanied the corpse of his said father from Baugy to his interment at Canterbury. To this John, king Henry VI. made a grant of the manors of Esker, Newcastle, Lyons, Cromelyn, and Tassard in Ireland, by patent, dated in the 6th year of his reign.

This duke bore for arms, *viz.*

Quarterly France and England within a Border Arg.

John of Lancaster, third son of king Henry IV., to whom his father granted the office of constable of England, in the fourth year of his reign; which office was confirmed to him, 11 Hen. IV.

In a parliament held at Leicester, 2 Hen. V., his brother, he was created earl of Kendal, and duke of Bedford, during life only; but king Henry VI. his nephew, in the 11th of his reign, confirmed those honours to him, and the heirs male of his body for ever.

Upon the expedition of king Henry V. into France, to recover his rights there, he appointed this John, his brother, lieutenant of the kingdom during his absence, anno 1415.

In 14 Hen. VI. he knighted the prince, and was appointed regent of France, using in his style these several titles, John, regent of France, duke of Bedford, Anjou, and Alenzon, earl of Mayenne, Richmond, Kendal, and constable of England.

This John, duke of Bedford, as constable of England, determined the controversy between Reginald, lord Grey of Ruthyn, and sir Edward Hastings, knight, for bearing the arms of Hastings. At the winning of Vernoi, he took the duke of Alenzon, prisoner, and afterwards routed the French army, among whom he made great slaughter.

In the year 1432, he crowned king Henry VI., his nephew, at Paris, and there died, about two years after, 14 Hen. VI., his corpse being from thence conveyed to Rouen, was there solemnly interred in a tomb of black marble, without any figure or inscription. A tablet of brass still remains affixed to the pillar, at the foot of the same tomb, containing his epitaph; over which

stood his escutcheon of arms, of silver, which is torn away, within the garter, betwixt two ostrich feathers, and underneath a root is represented, which the priests call, *La Racine de Betfort*.

King Louis XI. being counselled by some, who were enemies to this duke's glory, to deface his tomb, is said to have used the following generous expression: "What honour shall it be either to us or you, to break this monument, and to rake out of the earth the bones of one who in his lifetime neither my father, nor any of your progenitors, with all their puissance, were ever once able to make fly one foot backwards; that by his strength, policy, and wit, kept them all out of the principal dominions of France, and out of this noble duchy of Normandy; wherefore, I say, first, God save his soul, and let his body rest in quiet, which, when he was living, would have disquieted the proudest of us all. And as for his tomb, which I assure you is not so worthy as his acts deserve, I account it an honour to have him remain in my dominions." A speech no less glorious to him it was spoken by, than to the person it was spoken of.

This duke was justly accounted one of the best generals that ever the line of Plantagenet produced, and with whom, as an eminent author observes, was buried all the good fortune of the English in France.

He had two wives, the first of whom was Anne, daughter of John, duke of Burgundy, whom he married anno 1423; she was his wife nine years, and then died in childbed at Paris, her infant not long surviving her, and was interred in the church of Celestines in that city, near the chapel of Orleans, where her monument of black marble, with her portraiture thereon, is still to be seen.

His second wife was Jaquetta, daughter of Peter of Luxembourg, earl of St. Paul, whom he espoused in the seventeenth year of her age, but had no issue by her; after whose death, she was remarried to sir Richard Widville, afterwards earl Rivers, for which the said sir Richard had a pardon from king Henry VI. in the 15th of his reign.

This duke bore for arms, *viz.*

Quarterly France and England; a Label of 5 Points Erm. and Az. Flory, O.

Humphrey of Lancaster, fourth and youngest son of king Henry IV. and Mary de Bohun, his first wife, was, in parliament, 2 Hen. V. his brother,

created earl of Pembroke, and duke of Gloucester. The reversion of which earldom of Pembroke, in case this duke should die without heirs of his body, was granted to William de la Pole, earl of Suffolk, and Alice his wife, and to the heirs male of their bodies ; which, after the death of duke Humphrey, they came to enjoy accordingly.

In 4 Hen. V. he had the office of constable of Dover Castle, and warden of the Cinque Ports, granted him for term of life ; and in 1 Hen. VI. his nephew was, by parliament, made protector of the king and realm during the king's minority, which lasted fifteen years ; and the same year, anno 1422, was constituted chamberlain of England during pleasure.

In 8 Hen. VI. he was appointed steward of England, for that king's coronation, and afterwards, in the fourteenth of the same reign, was created earl of Flanders for life.

This Humphrey was, for his many rare and excellent qualities, entitled The Good, and, for his justice, Father of his Country ; but, after he had governed the kingdom under king Henry VI. his nephew, twenty-five years, with the highest commendations of praise, and to the satisfaction of all men, he was, by the enmity of Margaret of Anjou, his nephew's queen, brought to his end at St. Edmondsbury, in Suffolk, where, in a parliament held anno 1446, he was arrested for high treason ; and certain of the king's household being appointed to guard him, he was, not many days after his seizure, strangled to death, without form of trial : at which time his body was shewn to the lords and commons, as if he had been taken off by the palsy, or an imposthume.

Whatever apology was made for his death, it was soon after punished heavily on those who had practised it ; for the support of the Lancastrian cause being gone, it made way for the designs of Richard, duke of York, and the dethronement of king Henry VI.

The body of this good duke was conveyed from St. Edmondsbury, and solemnly interred in the abbey of St. Alban, (though the common error is, that he was buried at St. Paul's, London, the tomb of sir John Beauchamp being mistaken for his,) where he has a magnificent monument of free-stone, adorned with the figures of his royal ancestors, with his arms, &c.

He was the founder of the divinity school at Oxford ; he also built his

manor-house, at East Greenwich, in Kent; and was a generous benefactor to the abbey of St. Alban.

This duke Humphrey married two wives, the first of which was Jacquelin, or Jacoba, daughter and heir to William, duke of Bavaria, who had, it seems, been betrothed before to John, duke of Brabant, and after much opposition, was divorced from duke Humphrey; and by him left at her town of Mons, in Hainault, to return to her first husband, the duke of Brabant, that marriage having been pronounced lawful by Pope Martin V. Upon which marriage, Gloucester used these titles:

Humphrey, by the grace of God, son, brother, and uncle to kings, duke of Gloucester, earl of Hainault, Holland, Zealand, and Pembroke, lord of Friezeland, great chamberlain of England, protector and defender of the said realm and church of England.

Soon after his divorce, he married to his second wife Eleanor of Cobham, daughter of Reginald lord Cobham, of Sterborough; whereby he made her some amends for the unlawful familiarity that had passed between them formerly. This duchess Eleanor, about five years before the murder of her husband, 18 Hen. VI., was accused of witchcraft and sorcery, and after indicted for treason, at Guildhall, London; some part of which charge she confessed, and was put to solemn penance for the same three several times, and lastly, committed to perpetual imprisonment, in the Isle of Man. By neither of these wives he had any issue; but he had a natural daughter, though it is not said by whom, who was called

Antigone, and was, as appears by records, married to Henry Grey earl of Tanquerville, and lord Powys, son of sir John Grey, captain of Maunt, created earl of Tanquerville, 6 Hen. V., by Joan his wife, daughter and co-heir to Edward Charlton, lord Powys. This Antigone, by Henry earl of Tanquerville, her husband, had issue, Richard Grey, lord Powys, and Elizabeth Grey, the wife of sir Roger Kynaston, knight.

This duke Humphrey bore for arms, *viz.*

Quarterly, France and England, within a Border, Arg.

HENRY V.

This heroic prince, surnamed of Monmouth, was born at that place, anno 1388, his father being then only styled earl of Derby. He had his education at Queen's college, Oxford, where he was a student under the tuition of his half uncle, Henry of Beaufort, the cardinal, then chancellor of that university.

After his father had become king, he was created prince of Wales, duke of Cornwall, and earl of Chester,* and had livery of the lands, &c. appertaining to the said honours ;† furthermore it was ordered in parliament, that he should be styled prince of Wales, duke of Aquitaine and Cornwall, and earl of Chester.‡

He began his reign March 20, 1412, and on the 9th day of April following, was crowned at Westminster, by Thomas Arundel, archbishop of Canterbury.

Few princes ever run a military career with so much glory, for though his life was short, it was, from sixteen years of age, when he was at the battle of Shrewsbury with his father, to the period of his death, replete with a constant series of the most memorable achievements.

King Edward III. and his son the Black Prince, it is true, defeated the French arms upon several occasions, in the most signal manner, but the fruits of their victories began to fail long before the death of those two warlike princes. Whereas king Henry reduced the kingdom of France to such a state of subjection, that the French monarch was glad to give his daughter in marriage to Henry, and to settle upon him in reversion, after his own decease, the inheritance of the kingdom itself.

The events of this reign shine resplendent in the pages of the English history ; but death prematurely snatched away the life of Henry at Boys de Viscenne, not far from Paris, in August, 1422, in the 13th year of his reign, and the thirty-sixth of his age. His body was afterwards brought over to England, and interred with great magnificence and solemnity, in Westminster Abbey.

* Chart. Rot. Henry IV. n. 12 and 20.
† Claus. 1 Hen. IV. m. 27,
pars 1, Rot. Parl. vol. iii. p. 667.
‡ Rot. Parl. vol. iii. p. 427.

He married Catherine, daughter of Charles VI. of France, at Troyes, in Champagne, the 3rd of June, 1420, and, on St. Matthew's day, the 14th of February following, she was crowned at Westminster.

By her he had issue an only son, Henry, prince of Wales, his successor.

Queen Catherine surviving her husband king Henry, remarried with Owen ap Meredith ap Tudor, a Welsh gentleman, whose deficiency of estate, was compensated by his ancient and noble genealogy, the handsomeness of his person, and his accomplished manners.

The issue she had by him⁽²⁰⁾ was a daughter, who died young, and three sons; *viz.*

1. Edmund Tudor, surnamed of Hadham, his mother's house, where he was born. He was created earl of Richmond *per cincturam Gladii, &c.*, and to have place in parliament after dukes, 31 Hen. VI. his half-brother, notwithstanding Arthur, duke of Brittany was then living, and used that title. He died 35 Hen. VI., anno 1456, and was buried at Carmarthen, in South Wales, from whence his remains, on the suppression of that abbey, were removed to the cathedral church of St. David.

This Edmund, earl of Richmond, married Margaret, sole daughter and heir of John Beaufort, duke of Somerset, son of John, earl of Somerset, son of John of Ghent, duke of Lancaster, fourth son of king Edward III., and by her had an only son, Henry, earl of Richmond, afterwards king, by the title of Henry VII., as hereafter mentioned.

2. Jasper Tudor, second son of Owen Tudor and queen Catherine, surnamed of Hatfield, the place of his nativity. He was by king Henry VI. his half-brother, created first, earl of Pembroke, and to have place in parliament next after his brother Edmund. But king Edward IV. attaining the crown, this Jasper was attainted, and William, lord Herbert, created earl of Pembroke in his room, his patent expressing, that he had that

(20) It seems that Owen Tudor had a natural son,* called sir David Owen, who married three wives; *viz.* first, Anne, daughter and heir of William Blount, who died S. P.; second, Mary, daughter and co-heir of John de Bohun, of Midhurst, by whom he had three sons; *viz.* Henry, Jasper, and Roger; also a daughter Anne, who married Arthur Hopton, esq. His third wife † was Anne, sister to Walter Devereux, lord Ferrers, of Chartley.

* MS. Harl. Bib. n. 1597, in Brit. Mus.
† Ex MS. per J. C. B. in Coll. Arm.

honour for expelling Jasper the rebel. But fortune revolving, by the recovery of the crown to king Henry VI., this Jasper was restored to the earldom of Pembroke, anno 1470; but being taken prisoner at Barnet-field soon after, he lost his earldom a second time, which being surrendered by the second William Herbert to king Edward IV., that king gave it to his son prince Edward, who enjoyed it during life. King Richard III. held also this earldom till the time of his death, at Bosworth-field, when king Henry VII. attaining the crown, he not only restored this Jasper, his uncle, to the earldom of Pembroke, but likewise advanced him to the dignity of duke of Bedford, in the 1st of his reign. He was also, by the same king, constituted high steward at the coronation of his queen, Elizabeth. The next year he made him lieutenant of Ireland for one year, and in the 5th of his reign, granted him the office of earl marshal, and to the heirs male of his body.

His wife was Catherine, daughter of Richard Widvile, or Woodville, earl Rivers, widow of Henry Stafford, duke of Buckingham; but he died without issue by her, 11 Hen. VII., and was buried in the abbey of Keynsham, where he had founded a chantry for four priests, to sing mass for the souls of his father, Catherine his mother, and Edmund his elder brother.

He had a natural daughter, named Helen, who was married to William Gardiner, esq. of London, by whom she had issue, Stephen Gardiner, lord Prior of Tinmouth, and afterwards lord bishop of Winchester, whose fame in the bloody annals of persecution, during the reign of queen Mary, may be well remembered.

3. Owen Tudor, third son of Owen Tudor and queen Catherine, took upon him a religious habit in the abbey of Westminster.

Queen Catherine died at Bermondsey, in Southwark, in June, 1436, and was buried at Westminster Abbey.

H E N R Y VI.

Henry, the sixth of his name, king of England, was born at Windsor, anno 1421. At the time of his accession to the throne he was under nine months old, and he had not attained the eighth year of his age, when he was solemnly crowned at Westminster, the 6th of November, 1429; after which, it being judged expedient for the British interest in France, that he should repair to that kingdom, and be there invested with the regal dignity, he went over to his uncle John, duke of Bedford, then regent of those parts, and was crowned king of France at Paris, the 17th of November, 1431, by Henry of Beaufort, bishop of Winchester, his great uncle, and had fealty sworn to him by the French nobility.

But the reign of this prince was most unpropitious to the British fortune in France, and to his own in this kingdom. In the former country he lost all that his father had gained, and in the latter he eventually lost his throne and his life together.

It should, however, be observed, that previous to his final deposition, Richard duke of York preferred his claim to the crown, which was debated, as our historians relate, by divers lords both spiritual and temporal, with many grave and sage persons of the commonalty.

1. On the part of the reigning family of Lancaster it was urged, that when Henry IV., grandfather of the present king, took possession of the throne, no person offered to oppose him; to which it was replied, that as Edmund earl of March, who was then alive, could not dispute it without manifest danger, his silence could not be interpreted for consent.

2. It was alledged on the king's behalf, that Henry IV. had received the crown by the authority of parliament; to this it was answered, that the duke of York did not pretend to possession without the same authority, as appeared in his memorial addressed to both houses; but as the parliament had strong reasons to proceed contrary to custom in favour of the house of Lancaster; so they had now as strong grounds to do justice to the house of York.

3. The resignation of Richard II. was cited in behalf of the house of Lancaster. But this position was controverted, by denying that Richard's resignation concerned that house in particular, or the person of Henry IV.; and even supposing it so, it was not in the power of a captive king just going to be deposed, to appoint a successor.

4. It was objected against the duke of York, that the earl of Cambridge, his father, having been executed for high treason, his posterity were rendered incapable of any inheritance. To this the duke's friends responded, that he had been restored to his honours and all his birth-rights, and acknowledged for duke of York, and earl of March, by the king himself and the whole kingdom. (^{2p})

5. It was further urged that the house of Lancaster had enjoyed the crown above sixty years. Against this the Yorkists contended, that prescription was no plea with regard to the succession to the crown, which was a natural right, and not to be destroyed by a positive law.

6. It was lastly represented, that the king had reigned thirty-eight years, and that having all along led an innocent life, it would be a great cruelty to deprive him of the crown. This argument seemed to have great weight, and to make a great impression; but the friends of the duke of York stated, that Henry being incapable of governing by himself, to leave him in possession of the crown was acting rather for the queen and the ministers, who abused his name and authority, than for him. Moreover, the kingdom at large was not to be ruined for his sake, nor a wrong to be committed from a motive of charity.

At length, after a debate of several days, it was resolved, that Henry should enjoy the crown during his life, and the duke of York be declared his successor. This resolution was passed into an act of parliament,

(^{2p}) It might have been more forcibly stated, that the attainder or execution of his father, the earl of Cambridge, had nothing to do with the matter, as the claim to the crown did not arise by virtue of any descent from the said earl, but by reason of his descent from Anne, his mother, wife of the earl of Cambridge: as such, the crown being an inheritance *ex parte materna*, the right of honour could not be affected by the attainder or execution *ex parte paterna*.

setting forth, that notwithstanding the duke of York's indisputable title to the crown, he had freely consented that Henry should possess it for life, and promised to swear allegiance to him as his lawful sovereign: but, if the king should any way break this agreement, then the crown should immediately devolve to the duke of York, or his lawful heirs.

The day after passing this act, a procession was made to St. Paul's,* * Hall, Stow. where the king was present, with his crown on his head, attended by the duke of York, who on the Saturday following was, by sound of trumpet, proclaimed heir-apparent to the crown, and protector of the realm.†

† Stow.
Hollinsh.

After this agreement, though the king continued the same, yet the settlement was prejudicial to his son, the prince of Wales, and as such, to a woman of spirit and haughty temper, like the queen, it was not likely to command attention from her, and more especially, as she thereby was deprived of all present and future power. She accordingly raised a considerable army, with which she encountered and slew the duke of York, at Wakefield, the 31st of December, 1460. But this temporary success, so far from confirming king Henry in the perfect enjoyment of his throne, on the contrary, led to his final deposition; for Edward, earl of March, son and heir of the deceased Richard, duke of York, on his part defeated a detachment of the queen's army, near Mortimer's Cross, in Herefordshire, and marching afterwards to London, was received with the acclamations of the citizens.

After this, a great council was called of the bishops, lords, gentlemen, and magistrates, in and about London. Edward being present in this assembly, set forth his title to the crown, both by birth, and by virtue of the forementioned agreement; whereupon the assembly, with one consent, adjudged it to him, and declared that Henry of Lancaster having forfeited his right of enjoying the crown during life, by the breach of the solemn agreement made with the duke of York, and ratified by parliament, it was devolved upon Edward, eldest son of the said Richard, duke of York.

Upon this declaration‡ the crown was offered to Edward, who accordingly accepted it, and on the morrow, the 4th of March, 1461, went in procession to St. Paul's, § from thence was conducted back in great state to § Ibid.

Westminster-hall, where he sat in the king's seat, with the sceptre of king Edward in his hand.

* Stow.

The archbishop of Canterbury asked the people whether they would have Edward, earl of March, for their king? and they answered with loud acclamations. Then the king took the homage of the lords who were present, and the coronation ceremony concluded with singing "*Te Deum*."* Next day, being the 5th of March, he was proclaimed in London and the neighbouring towns by the name of Edward IV.

Thus terminated the reign of Henry VI., which had lasted upwards of thirty-eight years. His incapacity to govern, rendered him contemptible to his subjects; but the innocency of his life never suffered their contempt to turn into hatred.

Notwithstanding this deposition, king Henry still remained alive, and his active queen having raised a new army, contended again with Edward for the crown, but was defeated with dreadful slaughter, at the battle of Towton-field, the 29th of March, 1461.

This event was succeeded by several vicissitudes of fortune; in one of which, the unfortunate Henry obtained a transitory reinstatement; but very shortly after was again laid aside, and having fallen into the hands of his enemies, was ultimately murdered, as it is generally stated, in the Tower; from whence his body was removed, and having been exposed in an open coffin, barefaced, to the citizens of London, was conveyed to Chertsey Abbey, and there buried; but afterwards, by appointment of Edward IV., was taken from thence and carried to Windsor, where it was interred in St. George's Chapel.

† Fabian's
Chron.
p.423 & seq.

King Henry married, anno 1445, at Southwick in Hampshire, Margaret, daughter to Reyner, duke of Anjou, titular king of Jerusalem, Sicily, and Arragon, &c., who was crowned at Westminster, the 30th of May, 1445.† She was a woman of a high and imperious temper, whose busy interference in the government brought ruin upon her husband, herself, her family, and the kingdom. She survived king Henry several years, and at length died in her own country.

The only issue of king Henry and queen Margaret was one son; *viz.*

Edward of Lancaster, born at Westminster, in 1453, in 31 Hen. VI., the year after which he was created* prince of Wales, and earl of Chester, being duke of Cornwall by birth. He was a youth of considerable promise, but being most unfortunately made prisoner at the battle of Tewkesbury, anno 1471, was, after the defeat of that day, basely murdered, as it is related, by Richard, duke of Gloucester, and his body was interred, without any solemnity, in the church of the Black Friars, at Tewkesbury.

* Rot. Pat.
32 Hen. VI.
a tergo.

He was affianced in marriage to Anne Nevill, second daughter and co-heir presumptive to Richard Nevill, the great earl of Warwick; but his premature death prevented the consummation of the marriage, and she afterward became the wife of her husband's murderer, the said Richard, duke of Gloucester.

But here, notwithstanding the duke of Gloucester is called *a murderer*, it may be well to consider whether he truly deserved the severe opprobriums so invidiously cast upon him by historians; they have been followed on the present occasion, not with any confidence in their assertions, but because they form an authority for the statement. Shakespear has theatrically delineated him a monster; but Walpole has biographically vindicated his deformities.

THE HOUSE OF YORK.

EDWARD IV.

King *Edward*, the fourth of his name, was the eldest surviving son of Richard Plantagenet, duke of York (slain as before mentioned at the battle of Wakefield), who was only son of Richard, earl of Cambridge, by Anne Mortimer his wife, which Anne was sister and heir to Edmund Mortimer, earl of March, and by the death of her brother without issue, sole daughter and heir of Roger Mortimer, earl of March, son and heir of Edmund, earl of March, by Philippa his wife, sole daughter and heir of Lionel, duke of Clarence, second surviving son of Edward III., and elder brother to John of Ghent, great-grandfather to the deposed king Henry VI.

The title to the crown being, in the person of king Edward, unquestionable, his accession to the throne must be viewed as a restoration to that right which had been violated by the pre-occupation of the regal dignity by the line of Lancaster.

King Edward assumed the reins of government the 4th of March, 1461, and in the parliament holden at Westminster, the 4th of November following, had his title declared, set forth, and ratified by the lords spiritual and temporal, with the commons of England then assembled.*

* Rot. Pat.
Vol. V. p.
463, et seq.

He was born at Rouen in Normandy, the 29th of April, 1441, and in his father's lifetime had the title of earl of March. He married at Grafton, in Northamptonshire, in May, 1464, Elizabeth, daughter of sir Richard Widville, afterwards created earl Rivers, and by her (who was then the lovely widow of sir John Grey, of Groby,) had issue three sons and seven daughters.

Edward, prince of Wales; of whom hereafter.

Richard, second son, was born at Shrewsbury, and in 1474 was created duke of York. He was betrothed to Anne,* daughter and heir to John Mowbray, duke of Norfolk, earl marshal of England, &c. &c.; whereupon he was created duke of Norfolk,† earl marshal, earl Warren,‡ and earl of Nottingham.§ He had also the office of lieutenant of Ireland granted to him|| for two years. But his life was of short duration, for he was murdered at the same time with his brother, Edward V., in the Tower, aged only nine years.

George, the third son, was also born at Shrewsbury, but died a child, and was buried at Windsor.

Elizabeth of York, the eldest daughter, was born at Westminster, the 11th of February, 1466. She was at first intended to have been given in marriage to George Nevill, duke of Bedford, but he was degraded from that title, and the marriage did not take place. She was also intended to have been wedded to Charles, the dauphin of France, and at that court was denominated “Madame le Dauphinesse.” This alliance never took place. Her uncle Richard, duke of Gloucester, sought her for his wife; but she ultimately became the queen of Henry VII., and thereby cemented the peace of the nation, and ended the contest between the houses of York and Lancaster.

Cecily, the second daughter, was asked in marriage by James, king of Scotland, on behalf of James, his eldest son and heir-apparent; but this union, though approved of by king Edward and his council, was afterwards broken off, and the princess became the wife of John, viscount Welles;¶ after whose decease, she remarried with one Kyme, of Lincolnshire, by whom she had no issue, and dying anno *incerto*, was buried at Quarrera, in the Isle of Wight.

Anne, the third daughter, married Thomas Howard, third duke of Norfolk, by whom she had a son Thomas, who died young; and herself dying without issue surviving, was buried at Framlingham.

Bridget, fourth daughter, was born at Eltham, in 1480, and became a nun at Dartford, where she remained till her death, when she had sepulture in the priory of that place.

* Rot. Pat.
18 Edw. IV.
m. 2.

† Ibid.
16 Edw. IV.
m. 12. p. 2.

‡ Ibid.

§ Ibid.
17 Edw. IV.
m. 6. p. 2.

|| Ibid.
19 Edw. IV.
m. 28.

¶ Vide
Welles.

Mary, fifth daughter, was intended to have married the king of Denmark, but died before consummation, and was buried at Windsor.

Margaret, the sixth daughter, died in her infancy, and was interred in the abbey of Westminster.

Catherine, the seventh daughter, married William Courtney, earl of Devonshire,* whom she survived, and dying at Tiverton, in Devonshire, was there interred, circ. 1527, in 19 Hen. VIII.

Besides these sons and daughters, king Edward had two natural children, (^{2^a}) whereof Arthur Plantagenet was created viscount Lisle, as hereafter mentioned, and Elizabeth married sir Thomas Lumley, knight, son of George, lord Lumley.

King Edward died at Westminster, the 9th of April, 1483, and was buried at Windsor. His queen survived him some years, and deceasing at Bermondsey Abbey, in Southwark, had sepulture near him at Windsor.

Arthur Plantagenet, viscount and baron Lisle, natural son of Edward IV., was so advanced at Bridewell, 26th April, 15 Hen. VIII., upon the surrender of that title by Charles Brandon, duke of Suffolk. In 5 Hen. VIII. he was with lord Edward Howard, high admiral of England, (a younger son of Thomas, second duke of Norfolk,) in that bold attack made to capture or destroy the French fleet in Conquet Bay, on which occasion he behaved with great gallantry. In 19 Hen. VIII. he accompanied sir Thomas Wriothesley, garter king of arms, sent to present the ensigns of that order to Francis I., king of France; and, 24 Hen. VIII., was constituted lieutenant of Calais. During this trust, being suspected of being privy to the design which some of the sentinels had, for the delivery of that garrison into the hands of the French, (whereof two of them suffered death,) he was recalled, and committed to the Tower. But his innocence appearing, the king not only gave orders to release him, but, for his further satisfaction, sent him a diamond ring with a gracious message, which so overjoyed

* Sandford's
Gen. Hist.

(^{2^a}) These are reputed to have been by lady Elizabeth Lucy.* King Edward was particularly noted for his many concubines, whereof Jane Shore was probably the most conspicuous; whose melancholy fall is so finely, though not most truly, depicted by Shakespear.

him, and dilated his spirits, that he died the night following, *viz.* the 3rd of March, 33 Hen. VIII., 1542.

His wife was Elizabeth, widow of Edmund Dudley, sister and heir to John Grey, viscount Lisle. By her he had issue three daughters, his heirs; *viz.*

Bridget, who married sir William Carden, knight.

Frances, who married, first, John Basset, esq., of Umberleigh, in the county of Devon; secondly, Thomas Monk, esq., of Potheridge, in the same county, great grandfather of George Monk, the famous duke of Albemarle.

Elizabeth, married sir Francis Jobson, knight, lieutenant of the Tower of London, in the reign of queen Elizabeth.

Ralph Brooke* says, that this Arthur Plantagenet, viscount Lisle, bore for arms, *viz.* * Cat. Nob. p. 272.

France and England quarterly; a Baton Sinister, Arg.

But that author observes, that the same Arthur is commonly made to quarter the arms of Ulster and Mortimer, as his father Edward IV. did before he was king. "I, however, hold," continues Brooke, "that a bastard has no right to any arms but his father's chief coat, to show he was the natural son of such a man." Yet this should be with a mark significant thereof.

EDWARD V.

This unhappy young king was born in the sanctuary at Westminster, the 4th of November, 1470. He may be said to have drawn his first breath in tribulation, for his mother was delivered of him during that period when the king his father was obliged to leave the realm, through the power of the earl of Warwick, who had taken up arms against him, and restored king Henry. But this famous earl of Warwick being afterwards defeated and slain at the battle of Barnet, king Edward became reinstated in the throne, and created his son prince of Wales;† and furthermore, by the

† Rot. Pat.
11 Edw. IV.
m. 1.

* Rot. Pat.
15 Edw. IV.
m. 8. p. 2.

designation of "Edward, prince of Wales, duke of Cornwall, and earl of Chester," constituted him guardian and *locum tenens* of the realm.*

† Moor.
‡ Ibid.

At the time of his father's death he had not attained his fourteenth year, and was then at Ludlow, in Shropshire, where he first received that intelligence, and that he had been proclaimed king. From Ludlow he was removed up to London, where he was lodged in the bishop's palace, the 4th of May, 1483,† where it is said that the duke of Gloucester did him homage, and invited the nobility to do the same.‡ By this management, all suspicions of the duke's intentions were lulled in the minds of the citizens.

It probably may be somewhat difficult to judge, whether, before the death of Edward IV., he had any thought of mounting the throne to the prejudice of his nephew; but it is hardly to be doubted, that he formed this design as soon as he heard of his brother's decease; for all his after-proceedings too plainly appear to be the result of a scheme laid to effect that purpose.

The seizing of the king's person, and the procuring himself to be declared protector, were the two first steps by which the duke began to execute his plan, which terminated, as it is well known, in the melancholy catastrophe of the death of the young king, with his brother the duke of York, who met an unnatural fate, by being smothered in the Tower, anno 1483.

The place of their sepulture was for a long time unknown, till the year 1674, when, in rebuilding several offices in the Tower, and digging down the stairs from the king's lodging, to the chapel in the white tower, about ten feet in the ground were found the bones of two young persons, in, as it seemed, a wooden chest, which upon survey, were found proportionable to the ages of the two princes. This circumstance being made known to king Charles II., he ordered that their bones should be put into a marble urn, and deposited among the reliques of the royal family in the chapel of Henry VII., at Westminster Abbey.

RICHARD III.

King *Richard*, the third of his name, was the eighth and youngest son of Richard Plantagenet, duke of York.* He was born at Fotheringhay Castle, in the county of Northampton.

* Dug. Bar.
V. II. p. 165.

Having attained the summit of his wishes by the most extraordinary ways, and, in spite of all the obstacles which opposed his ambition, he was proclaimed king the 22nd of June, 1483, ^(2^r) and on the 6th ^(2^s) of July following, along with his queen, was solemnly crowned in Westminster Abbey, by the cardinal of Canterbury; on which occasion, most, if not all, the peers of the realm, were present, and Margaret, countess of Richmond, mother of the earl, who became afterwards Henry VII., even supported the queen's train.

After this he called a parliament, which met at Westminster, on Friday the 23rd of January, 1483-4, when William Catesby was the speaker chosen by the house of Commons,† and an act was passed for the settlement of the crown upon king Richard and his issue:‡ at the same time prince Edward, his son, was declared heir-apparent to the crown.

† Rot. Parl.
Vol. VI.
p. 238.

‡ Ibid.
p. 240.

In this act is contained the following curious recapitulation of king Richard's title to the crown; *viz.* §

§ Ibid.
p. 240-41.

“ Amonges other things more especially wee consider, howe that the tyme of the reign of king Edward IV., late deceased, after the ungracious pretended marriage, as all England hath cause soo to say, made betwixt the said king Edward and Elizabeth, sometye wife to sir John Grey, knight,

(^{2^r}) Sir Thomas Moore (as published by Hall) says, that Richard assumed the reins of government the 19th of June, and the next day was proclaimed king, when, with great solemnity, he rode to Westminster, and sitting in the royal seat, called before him the judges of the realm, whom he commanded to execute the law without favour or delay.

(^{2^s}) On the 4th of July he went to the Tower, by water, along with his wife; the 5th he rode through London with great pomp; and the 6th he was crowned.—Vide Hall, fo. 25, 26; and Hollinshed, p. 1387, &c.

late naming herself, and many years heretofore, quene of England, the ordre of all poletique rule was perverted, the laws of God, and of God's church, and also the laudable customes and liberties of the same, wherein every Englishman is inheritor, broken, subverted, and contemned, against all reason and justice, soo that this land was ruled by self-will and pleasure, fere and drede, all manner of equitie and lawes laid apart and despised, whereof ensued many inconveniments and mischiefs, as murders, extorsions and oppressions; namely, of poore and impotent people, soo that no man was sure of his lif, land, ne lyvelode, ne of his wif, daughter, ne servaunt, every good maiden and woman standing in drede to be ravished and defouled. And besides this, what discords, inwarde battailes, effusion of Christian men's blode, and namely, by the destruction of the noble blode of this londe, was had and committed within the same, it is evident and notarie thourough all this reame unto the great sorowe and heavynesse of all true Englishmen. And here also wee consider, howe that the said pretended marriage betwixt the above named king Edward and Elizabeth Grey, was made of grete presumption, without the knowyng and assent of the lords of this lond, and also by sorcerie and wichecrafte, committed by the said Elizabeth and her moder Jaquet, duchesse of Bedford, as the comon opinion of the people, and the publique voice and fame is through all this lond; and hereafter, if and as the caas shall require, shall be proved sufficiently in tyme and place convenient. And here also we consider howe that the said pretended marriage was made privily and secretly, without edition of bans, in a private chamber, a prophane place, and not openly in the face of the church, after the lawe of Godd's church, bot contrarie thereunto, and the laudable custome of the Church of England. And howe also, that at the tyme of contract of the same pretended marriage, and before and longe tyme after, the seid king Edward was and stode maryed, and trouth plight too oone dame Elianor Butteler, daughter of the earl of Shrewsbury, with whom the said king Edward had made a precontracte of matrimonie, longe tyme before he made the seid pretended marriage with the said Grey, in maner and fourme aforesaid. (² t)

(² t) Camden recites, "that the marriage with lady Elizabeth Grey, was to the great

Which premisses being true, as in veray trouth they been true, it appeareth and foloweth evidently, that the said king Edward during his lif, and the said Elizabeth, lived together sinfully, and damnably in adultery, against the law of God and of his church; and therefore noo marvelle that the souveraine lord and the head of this lond, being of such ungodly disposicion, and provoking the ire and indignacion of our Lord God, such haynous mischieffs and inconveniments, as is above remembred, were used and comitted in the realme amongs the subjects. Also it appeareth evidently and followeth, that all the issue and children of the said king Edward been bastards, and unable to inherite or to clayme any thing by inheritaunce by the lawe and custome of England. (^{2^a})

discontent of his council, and especially of his mother, who alledging many reasons to the contrary, said, 'that only her widowhood might be sufficient to restrain him; for that it was high disparagement to be dishonoured *with bigamy* in his marriage.' The king answered, 'in that she is a widow, and hath already children, by God's blessing, lady, I am a bachelor, and have some too; and so each of us hath a proof that neither of us are like to be barren; therefore, madam, I pray you be content. I trust in God she shall bring you forth a young prince, that shall please you: and, as for *the bigamy*, let the bishop hardly lay it in my way, when I come to take orders; for I understand it is forbidden to a Priest,—but I never heard it yet, that it was forbidden to a Prince.'—Camd. Rem. p. 239.

(^{2^a}) From this recitement, enrolled in parliament, it appears, that king Edward, previous to his marriage with lady Grey, was plighted and pre-contracted to dame Elianor Butler; a circumstance which, if the fact, most certainly rendered the subsequent marriage void, and the issue therefrom illegitimate. This point, added to the alledged incapacity of inheritance of the crown in the person of the earl of Warwick, by reason of the attainder of his father, the duke of Clarence, places the ascension of the throne by king Richard on a less exceptionable ground than historians in general seem willing to admit.

It is not unworthy of remark, that among the manifold virtual provisions made by the Divine Lawgiver of the Jews, for various offices and transactions of life, there is no ceremony prescribed for the celebration of marriage. In the Christian church, marriage became elevated in a later age to the dignity of a sacrament, in consequence of its divine institution, and of some expressions of high and mysterious import respecting it, contained in the Sacred Writings. It therefore becomes a matter of importance on this question to consider, that the law of the church, the canon law, with the ancient general law of Europe upon the subject, had existence at this æra, in full force and efficacy, and by such law *a contract per verba de presenti*, or *a promise per verba de futuro cum copula*, constituted a valid marriage without

“ Moreover wee considre, howe that afterward, by the thre estates of this reame assembled, in a parliament holden at Westminster the 17th yere

the intervention of a priest. The ecclesiastical courts, therefore, which had the cognizance of matrimonial causes, enforced these rules, and among others that rule, which held an irregular marriage, *constituted per verba de presenti, not followed by any consummation shown*, valid to the full extent of avoiding a subsequent regular marriage contracted with another person.

In the case of Joan, countess of Kent, mother of king Richard II., it seems, that William de Montacute, earl of Salisbury, had made a contract of marriage with her, and withheld her; whereupon one Thomas Holland, steward of the household to the said earl, by his petition* to pope Clement VI., represented that he was under a pre-contract with her, attended with a copula; his holiness, upon a full hearing of the cause, gave sentence† for Holland, who thereupon took her for his lawful wife; in which the earl appears to have acquiesced, as he afterwards married another woman.

* Islip, fol. 178.

† Ibid.

‡ c. xxxviii. s. 2.

A statute, passed in 32 Hen. VIII., ‡ proves this general usage, reciting, *viz.* “ That many persons after long continuance in matrimony, without any allegation of either of the parties, or any other at their marriage, why the same matrimony should not be good, just, and lawful, and after the same matrimony solemnized, and consummate by carnal knowledge, have by an unjust law of the bishop of Rome, upon pretence of a former contract made, and not consummate by carnal copulation, been divorced and separate,” then enacts, “ that marriages solemnized *in the face of the church*, and consummate with bodily knowledge, shall be deemed good, notwithstanding any pre-contract of marriage not consummate with bodily knowledge, which either or both of the parties shall have made.” But this statute was afterwards repealed, as having produced horrible mischiefs, which are enumerated in the preamble of the statute of 2 Edw. VI. And Swinburn, speaking the prevailing opinion of his time, applauds the repeal, as *worthily and in good reason enacted*.

§ 4 Coke, 29.

The same doctrine has been recognized by the temporal courts,§ and in the case of *Collins v. Jesson*, the 3rd of queen Anne, it was said by Holt, chief justice, and agreed to by the whole bench, “ That if a contract be *per verba de presenti*, it amounts to an actual marriage, which the very parties themselves cannot dissolve by release or other mutual agreement; for it is as much a marriage in the sight of God, as if it had been *in facie ecclesiæ*.”

Thus the law and rule continued till the Marriage Act, 26 Geo. II. cap. xxxiii., which Mr. Justice Blackstone describes as “ *an innovation on our laws and constitution*.”

Having thus dilated upon the law of Matrimony, as it stood in the time of king Richard, and as it even continued to a very late subsequent period, it only remains to be considered, whether the fact of the pre-contract of king Edward IV. is deserving of belief? This point, with so amatory a prince as he is allowed by all persons to have been, seems more probable to have been a real, than a feigned circumstance. If so, the subsequent marriage was void, and the issue bastards; whereby the claim of Richard, by reason of the disability, as

of the regne of the said king Edward IV., he then being in possession of the croune and roiall estate, by an acte made in the same parliament, George, duc of Clarence, brother to the said king Edward nowe decessed, was convicted and attainted of high treason, as in the same acte is contained more at large. Because and by reason whereof, all the issue of the said George, duc of Clarence, was and is disabled and barred of all right and clayme, that in any wise they might have or challenge by enheritaunce to the croune and dignitie roiall of this reame, by the auncien law and custome of this same reame. Over this we conside that ye be the undoubted son and heire of Richard, late duke of Yorke, verray enheritour to the seid croune and dignitie roiall, and as in right kyng of England, by way of enheritaunce, and that at this tyme, the premisses duly considered, there is noone other personne lyvyng but ye only, that by right may clayme the said croune and dignitie roiall by way of inheritaunce."

King Richard having thus gotten his title to the crown fully set forth and ratified in parliament, and the succession settled and declared, endeavoured by all means to confirm and strengthen himself in his power; but his reign was of short duration: for, though he overcame the insurrection of the duke of Buckingham, he lost his life, together with his crown, at the battle of Bosworth, fought with the earl of Richmond, 22 Aug. 1485.

On this memorable day, it should not be omitted to be related, that Richard conducted himself with a degree of personal valour, equal to any

recorded of the duke of Clarence's heir, became good to the inheritance of the crown. The chief slur upon his character then seems to be, the foul murders of his two nephews (the innocent children of king Edward); but if their removal from out of the way of his ambition, as likely to afford him uneasiness in the enjoyment of it, had they remained alive, be contrasted with the death of the earl of Warwick by Henry VII., it may rest a question, whether the memories of king Richard III. and king Henry VII. are not similarly entitled to execration; and each, in his ascension of the throne, to be alike viewed as a usurper?

It, however, should be remarked, that, notwithstanding it remains upon the rolls of parliament that the issue of the duke of Clarence could not take the crown by reason of his attainder, yet such recital does not accord with the fact of the law; for so soon as the issue of an attainted father should become absolute heir to the possession of the crown, the disability must cease.

hero of antiquity; and though he fell covered with wounds, his death was not from the hands of Richmond himself, but the hands of the multitude at large, into which he rushed upon finding himself betrayed, or rather forsaken, by the lord Stanley.

The slain body was afterwards found upon the field of battle, all covered with blood, and naked; it was thrown across a horse, and conveyed to Leicester, where it was buried without any funeral pomp or ceremony. ^(2v)

He married Anne, second daughter and co-heir of Richard Nevill, earl of Warwick and Salisbury, and by her, who died before him, anno 1434, had an only son, Edward; which

Edward, was born in the castle of Middleham in Yorkshire, anno 1473, and by his uncle king Edward IV. was created earl of Salisbury,* and in the first of his father's reign was created prince of Wales and earl of Chester; but he died young, in the lifetime of king Richard.

King Richard had also a natural son, whom some months before his death he had made governor of Ghisnes, Calais, and of the Marches of Picardy. This son in his patent is called John of Gloucester. †

* Rot. Pat.
17 Edw. IV.
m. 16. p. 2.

† Rymer's
Fœd.
Tom. XII.
p. 265.

^(2v) Sandford relates that his body was buried in the Grey Friars' Church, where king Henry afterwards caused a monument to be erected, with his effigies thereon, in alabaster, which remained till the dissolution of religious houses, in the reign of Henry VIII.

In a letter from Christopher Wren, esq. to Francis Peck, M.A. (the antiquary), dated Wroxhall, 4th of March, 1736-7, he states, that, among some memorials of his grandfather, he found this note; viz.

“ The body of king Richard III. was buried in the chapel of the monastery at Leicester; at the dissolution whereof, the place of his burial happened to fall into the bounds of a citizen's garden, which being afterwards purchased by Mr. Robert Herrick, sometime mayor of Leicester, was by him covered with a handsome stone pillar, three feet high, with this inscription:—

HERE LIES THE BODY OF
RICHARD III.

SOMETIME KING OF ENGLAND.

“ This he showed me, walking in the garden, anno 1612.”

Mr. Peck, in a letter to William Cowper, esq., clerk of parliament, dated Godeby, 21st of March, 1736, writes, viz.

“ King Richard the Third's stone coffin, at Leicester, has been dug up since Mr. Wren's grandfather's time, and made a trough at one of the inns for the watering of horses.”

There is a tradition, that the night before the battle of Bosworth, Richard sent for a natural son which he had, and told him that on the fate of the morrow's battle depended his life and his crown; that if he survived the fight, and was successful, he would then publicly acknowledge him for his son; but if victory failed, he told the youth to shift for himself, for if he fell into the hands of the Lancastrians, he would be put to death. Accordingly, after the unfortunate result of the engagement, the young man took to flight; and, for the better concealment of his person and quality, hired himself to a bricklayer, with whom he long continued to work, and lived to an advanced age.

THE HOUSE OF TUDOR.

The heralds, in order to do honour to the descent of this family, have traced its genealogy from Cadwallader, the last king of the Britons, whose son Idwald conveyed his miserable countrymen who were oppressed with the invasions of the Saxons, into Cambria, now called Wales, where he governed them under the title of prince of Wales.

How far Mr. Owen Tudor, the grandfather of king Henry, might, or might not, be derived from the source of this quondam royal race, is a matter of very little consequence, as such a genealogy could not give him a greater degree of lustre of birth than what almost every Welshman in that age pretended to, and in this day assumes to be the lineal course of his descent.

The particular inheritance of Mr. Owen Tudor has never been set forth; and probably, there would have been a greater difficulty in defining the extent of his estate, than in describing those personal accomplishments which recommended him to the bed of a libidinous French princess.

HENRY VII.

Henry Tudor, earl of Richmond, grandson of Owen Tudor and Catherine of France, relict of Henry V., and son and heir of Edmund, earl of Richmond, by Margaret his wife, sole daughter and heir of John, duke of Somerset, son of John Beaufort, earl of Somerset, eldest natural son of John of Ghent, duke of Lancaster, by Catherine Swinford his concubine, afterwards his wife, was born in Pembroke Castle, anno 1451.

The battle of Bosworth being over, by the death of king Richard, and the flight of his army, Henry caused *Te Deum* to be sung upon the place; where the crown, having been found by a soldier among the spoils of the field, was delivered to the lord Stanley, who placed it upon his head, while the troops, with one accord, made the air resound with the cry of "Long live king Henry!"

Having thus far introduced the earl of Richmond to the royal dignity, it becomes a point of considerable question, to ascertain by what pretension he could assume the throne, with a title better founded than that of the usurper, his predecessor.

Paternally, he had not a spark of the kingly right, and maternally, he was merely the representative of an illegitimate stock, which, though they had been legitimated by act of parliament, with power to hold principalities, dukedoms, earldoms, and all kind of hereditaments, to take them by inheritance, and transmit them to their heirs; yet, by the same act of parliament, they were specially excepted from inheriting the royal dignity.* Added to this circumstance, his mother was alive, and *ergò*, no inheritance rested in him.

* Act Pub.
vii. p. 849.

By the right of conquest, he had no better claim than the stronger party might at all times have over its weaker enemy; and as the duke of Normandy had after the battle of Hastings; but, by the alliance he was about to enter into with the daughter and eldest co-heir of Edward IV., he had, after actual marriage, a similar right with that which the earls and barons in all preceding times acquired, when, in right of their wives, who were seised of titles in fee, they had summons to parliament, and thereby became invested with the hereditary honour, and competent to exercise the legislative functions of the respective inheritances.

It seems, however, that Henry did not wait for the formal recognition of any title whereby he should mount the throne. ^(2^w) He was crowned at Westminster by Cardinal Bouchier, archbishop of Canterbury.

The parliament met eight days after the coronation, in which it was

^(2^w) Hall and Hollinshed say, that he was crowned by the whole consent, as well of the commons as of the nobility.—Folio ii. p. 1425.

settled, “ *That the inheritance of the crown should rest, remain, and abide in the king, and the heirs of his body perpetually so to endure, and in none other.*”

In this obscure and ambiguous manner did the parliament pass the act of settlement, which was afterwards confirmed by the Pope’s bull, in which Henry took care to have inserted his descent from the house of Lancaster, his marriage with the daughter of Edward IV., his victory at Bosworth, and the act of parliament. These minutiae show the uncertainty which he entertained of his right to the throne, and the degree of uneasiness which such uncertainty occasioned him.

In January, 1485-6, he married the princess Elizabeth, eldest daughter of king Edward IV.; on which occasion the utmost demonstrations of joy were expressed by the people; but the coronation of the queen was long deferred, and did not take place till the 25th of November, 1487,* when it was performed with the usual solemnities.

* Hall, Stow,
Hollinshed.

She was his queen eighteen years, and, dying in 1505, was interred in the new chapel of her husband’s foundation at Westminster Abbey, who directed that her figure, in copper gilt, should be placed by his own on his tomb in the said chapel. ^(2x)

King Henry, after a reign of near twenty-four years, died at Richmond, the 22nd of April, 1509, in the fifty-second year of his age, and was interred in his own chapel at Westminster Abbey.

Lord Bacon in his History of King Henry VII., says, “ When the king was ancient, anno 1505, he had thoughts of marrying the young queen of Naples, and sent three ambassadors, with curious and exquisite instructions, for taking a survey of her person, complexion, &c.”

[These instructions, signed by the king, together with the ambassadors’ answers to the several articles, have fallen into our hands by the favour of a descendant of Mr. Braybroke, who was one of the ambassadors; and, as

(2x) After the death of this princess, it seems that Henry engaged in a treaty of marriage with Margaret, daughter of the archduke of Austria, which was concluded in 1506, but having become afflicted with a phthisic, it was not carried into effect, as he thereby became better adapted for death than a wife.

they answer the character given of them by lord Bacon, they cannot fail of being acceptable to the reader.]

“ Instruccions geven by the king’s highnesse, to his trusty and wel beloved servants Frunceys Marsyn, James Braybroke, and John Stile, shewing howe they shall ordre theymself when they come to the presence of the old quene of Naples, and the young quene hir doughter.

“ 1. First, after presentacion and delyverance of suche lettres as they shall have with theym, to be delyvered to the said quenes, from the ladie Katheryn, princesse of Wales, making hir recommendacon, and declaracon of suche charges and words, as shall bee shewed and comitted unto theym by the said princesse, to be opened and declared on hir behalf to the said quenes, they shall well note and marke thestate that they kepe, and howe they be accompanied with nobles and ladies.

“ 2. Item, To take good hyde, and marke thestats that the said quenes kepe, and whether they kepe their estats and housolds apart, or in oon house togedres, and how they be accompanied, and what lords and ladies they have abouts theym.

“ 3. Item, If it shall fortune the king’s said servants to fynde the said quenes keping their estats togeders, they shall well and assuredly note and marke the maner of keping and ordering theym in their estats, with the countenance and maner of every of theym, and suche answer as they shall make upon the speche and comunicacion as they shall have with theym, at the delyverance of the said lettres, and declaracion of thother matiers before mencioned; and to marke hir discrecion wisdom and gravitie, in hir said comunicacion and answer in every behalf.

“ 4. Item, They shall in like wise endeavor theym to understand, whether the yong quene speke any other langages than Spaynyshe and Italyon, and whether she can speke any Frenshe or Laten.

“ 5. Item, Specially to marke and note well the age and stature of the said yong quene, and the feturys of hir bodye.

“ 6. Item, Specially to marke the favor hir visage, whether she bee paynted or not, and whether it be fatte or leene, sharpe or rownde, and

whether hir countenaunce be chierfull and amyable, frownyng or malincolous, stedefast or light, or blushing in comunicacion.

“ 7. Item, To note the clearnesse of hir skynne.

“ 8. Item, To note the colours of hir here.

“ 9. Item, To note well hir ies, browes, teethe, and lippes.

“ 10. Item, To marke well the fassion of hir nose, and the heithe and brede of hir foreheadde.

“ 11. Item, Specially to note hir complexion.

“ 12. Item, To marke hir armes, whether they bee grete or smale, long or shorte.

“ 13. Item, To see hir hands bare, and to note the fascion of theym, whether the palme of hir hand bee thikke or thynnee, and whether hir hands bee fatte or leene, long or shorte.

“ 14. Item, To note her fyngers, whether they bee longe or shorte, smale or grete, brode or narrowe before.

“ 15. Item, To marke whether hir nekke bee longe or shorte, smale or grete.

“ 16. Item, To marke hir brests, and pappes, whether they be bigge or smale.

“ 17. Item, To marke whether there appere any here about hir lippes or not.

“ 18. Item, That they endevor theym to speke with the said yong quene fasting, and that she may telle unto theym some matier at lengthe, and to approche as nere to hir mouthe as they honestly maye, to thentent that they may fele the condicion of hir brethe, whether it be swete or not, and to marke at every time when they speke with hir, if they fele any savor of spices, rose waters, or muske, by the brethe of hir mouthe, or not.

“ 19. Item, To note the height of hir stature, and to enquire whether she were any slippars, and of what height hir slippars bee, to thentent they be not deceyved in the veray height and stature of hir; and if they may come to the sight of hir slippars, then to note the fassion of hir foote.

“ 20. Item, To enquire whether she have any sekenesse of hir nativitie, deformitie or blemmysshe in hir bodye, and what that shuld bee; or whether she hath been comunely in helthe, or somtyme seke, and

sometyme hole ; and to know the specialities of such diseases and sekennesse.

“ 21. Item, Whether she be in any singuler favor with the king of Aragon hir uncle, and whether she have any resemblance in visage, countenance, or complexion to him.

“ 22. Item, To enquire of the manor of hir diet, and whether she bee a grete fedar or drynker, and whether she useth often to ete or drynke, and whether she drynketh wyne, or water, or bothe.

“ 23. Item, The kings said servants shall also at their comyng to the parties of Spayne, diligently enquire for some conynge paynter, havynge good experience in making and paynting of visages and portretures, and suche oon they shall take with theym to the place wher the said quenes make their abode, to thentent that the said paynter maye drawe a picture of the visage and semblance of the said yong quene, as like unto hir as it can or maye bee conveniently doon ; which picture and image they shall substancially note, and marke in every pounte, and circumstance, soo that it agree in similitude and likenesse as near as it may possible to the veray visage, countenance and semblance of the said quene ; and in case they may perceyve, that the paynter at the furst or second making thereof, hath not made the same parfaite to hir similitude and likenesse, or that he hath omitted any feture or circumstance, either in colours, or other proporcions of the said visage, then they shall cause the same paynter, or some other the most conyng paynter that they can gete, soo often times to renewe and reforme the same picture, till it be made parfaite, and agreeable in every behalfe with the veray image and visage of the said quene.

“ 24. Item, The kings said servants by the wisest wayes that they cann use, shall make inquisician, and enserche, what land or livelood the said yong quene hath, or shalhave, aftre the decesse of hir mother, either by the title of jointer or otherwise, in the reame of Naples, or in any other place or contraye, what is the yerely value thereof, and whether she shalhave the same to hir and hir heires forever, or ells during hir lif oonly ; and to knowe the specialties of the title and value thereof in every behalf, as nere as they shall knowe.”

ANSWERS.

“ To the 6th article.—As to thys articule, as farre as that we can persayve or knowe, that the said quene ys not paynted, and the favore of hir viasage ys after hir stature, of a verrey good compas and amyabille, and some what round and fatte, and the countenance chierfull and not frowneynge, and stedfast and not lizght nor boldehardy in speche, but with a demewre womanly shamefast contenance, and of fewe words as that we coude persayve, as we can thynke that she uttered the fewer words by cause that they quyn hir moder was present, the whiche had all the sayengs, and the yonge quyn satte as demeure as a mayden, and some tyme talk-eynge withe ladyes that satte about hir, with a womanly lawzgheyng (laughing) chere and contenance.

“ To the 9th article.—As to thys articule, the eies of the said quyn be of colore browne, some what grayesshe, and hir browes of a browne here, and very small like a wyre of here.

“ To the 10th article.—As to thys articule, the fashion of hir nose ys a littell riseynge in the mydward, and a littell comeynge or bowynge towards the end, and she ys mych lyke nosid unto the quyn hir moder.

“ To the 13th article.—As to thys articule, we sawe the hands of the said quyn bare at thre sondry tymes, that we kyssed hir said hands, whereby we persayvyd the said quyn to be rizghte faire handyd, and accordeynge un to hir personage they be some what fully and softe, and faire, and clene skynnd.

“ To the 16th article.—As to thys articule, the said quynes brests be somewhat grete, and fully; and in as muche that they were trussid somewhat highe after the maner of the contrey, the whiche causithe hir grace for to seme muche the fullyer, and hir necke to be the shorter.

“ To the 17th article.—As to thys articule, as farre as that we can persayve and see, that the said quyn hathe no here apereynge abowte her lippes, nor mowthe, but she ys very clere skynned.

“ To the 18th article.—As to thys articule, we cowde never come un to the speiche of the said quyn fasteynge, wherefore we cowde nor myzght not attayne to knowliche of that parte of this articule: Notwithstondeynge

at such oter tymes as we have spoken and have had comeunicacion with the said quyne, we have aproched as nyzghe un to hir visage as that we convenyently myzght do, and we cowde fele no savor of any spices or waters, and we thynke verely by the favor of hir visage and clenynys of complexion and of hir mowthe, that the said quyn ys lyke for to be of a sewit savor, and well eyred.

“ To the 19th article.—We cowde not come by the parfite knowliche of hir heizghte, for as muche as that hir grace werithe slippers after the maner of the contrey, whereof we sawe the fashione, the whiche be of six fyngere brede, of heizghte large, and hir footè after the proporcion of the same ys butt small.

“ To the 22nd article.—The said quyn ys a good feder, and eets well hir meit twyes on a daye, and drynkithe not often, and that she drynkithe most commonly water, and sometime that water ys boyled with synamon, and some time she drinkithe ypocras, but not often.”

The issue of king Henry was, according to many authorities,* three sons and four daughters; *viz.*

* Milles,
R. Brooke,
Sandford.

Arthur, born at Winchester, in September, 1486, in the 2nd year of his father's reign; in the 5th whereof, he was created prince of Wales, earl of Chester, and of Flint.† After which he was elected a knight of the Garter, and, in 1501, was appointed regent of the kingdom, during the absence of his father in France.

† Sandford.

At about the age of fifteen, he was married at St. Paul's cathedral,‡ by the archbishop of Canterbury, the 14th of November, 1501, to Catherine, daughter of Ferdinand, king of Spain, then about eighteen years old: shortly after when, he was sent to the marches of Wales, the better to govern that principality by his presence, where he departed this life at the castle of Ludlow, in Shropshire, 2nd of April, 1502, without issue.

‡ Stow's
Annals,
p. 404.

Lord Bacon says of him, “ that he was very studious and learned beyond his years, and beyond the custom of great princes.”

He lies buried in a chapel on the south side the choir in Worcester cathedral, with the following inscription round the verge of his monument; *viz.*

“ Here lyeth buried
PRINCE ARTHURE,
 The first begotten son of the right renowned
KING HENRY VII.
 wich noble Prince departed out of this transitori lyfe in the castle
 of Ludlowe, in the seventeenth yere of his father’s rayne, in
 the yere of our Lorde God 1502.”

Henry, second son of king Henry VII., succeeded him in the throne.

Edmund, third son, was born at Greenwich, anno 1495, and in his infancy was created duke of Somerset.* He died young, in 1499, and was interred in Westminster Abbey. (^{2y})

Margaret Tudor, the eldest daughter, was born anno 1489, and at the age of fourteen, was married to James IV., king of Scots; and, after his death, to Archibald Douglas, earl of Angus. By her first husband, she had issue James V. of Scotland, whose sole daughter and heir, Mary, queen of Scots, married Henry, lord Darnley. By her second husband, she had a daughter Margaret, who wedded Matthew Stuart, earl of Lennox, whose son, Henry, lord Darnley, married his cousin Mary, queen of Scots, before mentioned, whose issue was James VI., king of Scots, and the first Stuart, king of England.

Elizabeth, the second daughter, was born in July, 1492; she died in September, 1495, and was buried at Westminster.

Mary, third daughter, was born in 1498. She was first promised in marriage to Charles, king of Castile, but was afterwards married to Louis XII., king of France, who died about three months after, leaving her a blooming widow without issue.

* p. 788.

(^{2y}) Hollinshed* mentions a fourth son, *Edward*, born in February, 1500, of whom the heralds take no notice.

† p. 35.

Ralph Brooke, in his Catalogue of the Kings of England,† says, that Elizabeth, queen of Henry VII., died in childbed at the Tower, but does not mention, whether the child survived her, or was a son, or daughter.

She returned to England, and, in about two years following, wedded Charles Brandon, duke of Suffolk,* the great and popular favourite of her brother, Henry VIII. * Vide Suffolk.

Catherine, the fourth daughter, was born on Candlemas-day, anno 1593, but died very soon after.

HENRY VIII.

Henry, the eighth of his name, king of England, had his birth at Greenwich, the 21st of June, 1491.† In the tenth year of his father's reign he was styled constable of Dover Castle, lord warden of the Cinque Ports, earl marshal of England, and lieutenant of Ireland; and, thus dignified, was in the same year created duke of York, by patent,‡ and read a solemn investiture in parliament on All-Saints' day, anno 1491. The king, for the greater grandeur thereof, kept royally and solemnly that feast, creating him also a knight of the Bath, with divers others, lords and persons of rank. Moreover, on the 12th of May, 1495, he was installed a knight of the Garter.§

† Anstis's
Regis. Gart.
Sandford.

‡ Anstis's
Intro. Knts.
of Gart.

§ Ibid.

On the death of his elder brother, Arthur, prince of Wales, without issue, the dukedom of Cornwall devolved upon him, according to the statute; but it was more than half a year before he was created prince of Wales and earl of Chester, *viz.* the 18th February, 1502-3 (18 Hen. VII.)

After the death of his father, he was on the day following, the 23rd of April, 1509, proclaimed king, to which dignity, provided the children of Edward IV. were legitimate, he had an unquestionable right, as heir of the house of York; but not as Sandford|| says, heir also of the house of Lancaster; for, in that respect, he could not qualify, inasmuch as he was descended, as before stated, only from the bastard line of the house of Lancaster, the legitimate male line of which became extinct in the person of Edward, prince of Wales, only child of Henry VI., by whose death, without issue, the legal representation devolved upon the heirs-general of

|| Hist. Roy.
Families.

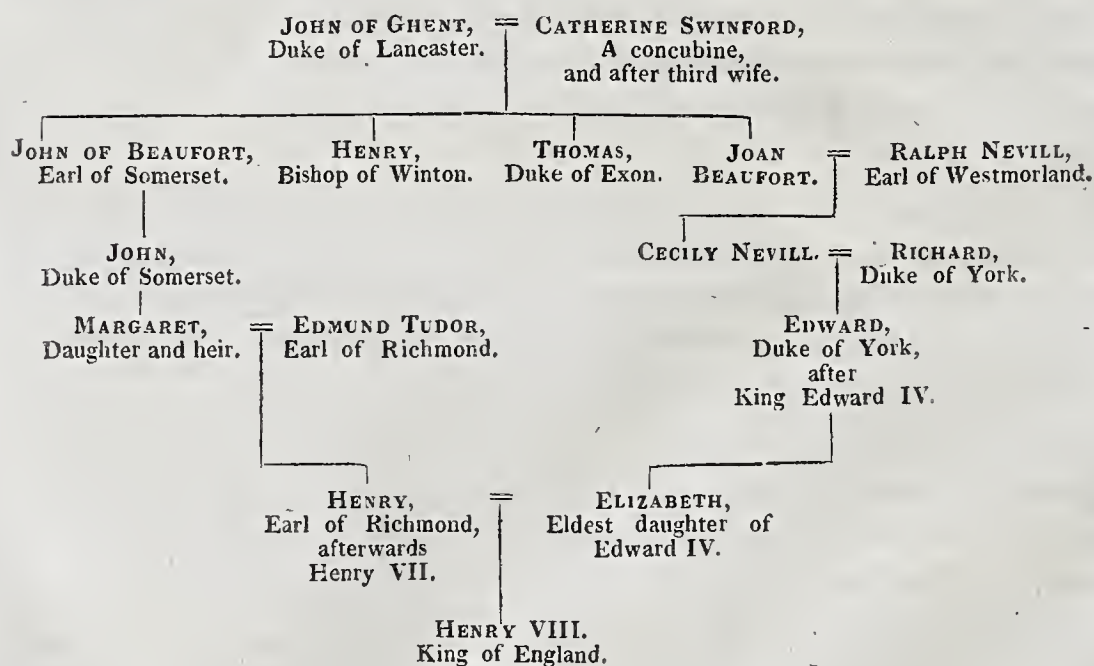
EXTINCT ROYAL FAMILIES.

John of Ghent, duke of Lancaster; (^{2z}) namely, of Philippa his daughter, by his first wife, who married John, king of Portugal, and of Catherine his daughter, by his second wife, who married Henry, prince of the Asturias.

Having married Catherine, widow of his elder brother, Arthur, prince of Wales, he was crowned with his queen at Westminster, 24th June, 1509, by William Warham, archbishop of Canterbury.

He was the first English monarch who obtained the title of Defender of the Faith; (^{3a}) which was conferred upon him by pope Leo X., for a book

(^{2z}) It is not a little singular, that, notwithstanding the children of John of Ghent, by Catherine Swinford, were expressly, by the act of legitimation, excluded the inheritance of the crown; yet Henry VIII., in his capacity of heir to the regal dignity, was paternally and maternally descended from the line of that very house so debarred the royal succession, as the following table will shew; viz.



(^{3a}) The emperor of Germany had also given him the title of "Defender of the Church," because he had directed forth a solemn writ of outlawry against the said Martin Luther.

written by him against Martin Luther. Afterwards, by act of parliament, in 1544, it was united to the crown of England for ever. ^(3b)

He was also the first of our kings before whom the cap of maintenance ^(3c) was borne at the time of his going to parliament. He was

^(3b) But in a letter from Christopher Wren, esq. to Francis Peck, M.A., (author of the *Desiderata Curiosa*), it is thus stated; viz. "That king Henry VII. had the title of Defender of the Faith, appears by the register of the order of the Garter, in the Black Book, (*sic dictum à tegmine*), now in my hands by office; which having shown to king Charles I., he received with much joy, nothing more pleasing him, than that the right of that title was fixed in the crown long before the Pope's pretended donation: to all which, I make protestation to all posterity." *Αυτογραφοῦ*, hoc meo. Ità testor.—Chr. Wren, à Memoria et Secretis Honoratissimi Ordinis. Wrexham, 4 March, 1736-7.

^(3c) It seems that a cap and a rich sword were sent with great ceremony by the Pope to king Henry, in 1513, with the title of *Christianissimus*, which was for a time transferred from the crown of France.

These, therefore, appear to have been meant as emblems of the civil and military defence of the Christian faith, and were thought peculiarly applicable to the circumstance of the king's personal appearance in parliament, surrounded and supported by the whole strength, civil and military, of the realm, and reuniting, as it were for the time, the legislative capacities and powers; and the reason whereof is the stronger, because it is certain that the cap has never been borne on any other occasion than that of the king's meeting the parliament; and the sword too, was not the sword of state, but another, meant peculiarly to accompany the cap. That sword, however, has been since disused.

In two MSS. of the time, are the following accounts of these matters:—

"The cap and the sword of maintenance was sent by the Pope, in 1513, whose prothonotary arrived in London with them on the 19th of May, where they were received with the most pompous solemn ceremony. The king received them in St. Paul's church; where, in his proceeding to the throne, the sword (in addition to his own sword,) was carried before him by the Pope's orator; and when he was seated, the cap was put on his head, and sword girt about, and mass said," &c.

The other MS. recites—

"*Mem.* That on All-hallow even, the 11th of king Henry VIII., the Pope sent the cap, and a rich sword to our sovereign aforesaid, which was honorably received by the bishop of Winchester, and the earl of Arundel, and many other estates, and so conveyed through the city of London."

"*Mem.* The lord John Marten, cardinal and archbishop of Canterbury, did the divine service; the duke of Buckingham bare the cap, and the earl of Arundel the sword, all the

likewise the first of our princes who took the title of King of Ireland—they being before only denominated lords of the kingdom.

This magnanimous prince,—the flower of chivalry in his day,—married six wives, whereof four were private gentlewomen; and dying the 28th of January, 1547, was buried with great solemnity at Windsor.

Previous to his death, in 1544, (in such subjection was the parliament to the will of this arbitrary and capricious monarch,) he had an act passed to settle the order of succession after his demise. In this act, prince Edward was named first with his issue; in the second place, the heirs-male of the king, by his present or any future marriage, with their issue; thirdly, the princess Mary and her line; lastly, the princess Elizabeth and her issue. But there was no mention of the divorces with the queens, the mothers of these princesses. So, notwithstanding the acts which approved and confirmed these divorces, and were unrepealed, the parliament seemed to consider the said princesses as legitimate, though before they had been declared bastards, and as such excluded the succession.*

* Act, anno
1536.

Moreover, the parliament gave the king power to settle the crown on any other by his letters patent, or his last will signed with his own hand.

This was a power no king of England had ever before enjoyed, and manifested that the act did not arise so much from the parliament, as from the dictation of the king himself. Indeed, assuming to himself the exercise of the power so vested in him by the act, he made his will, (^{3d}) and thus ordered the succession:—

procession time, and to the bishop's palace after the divine service. But the Pope's officer brought the cap through the town; the cap upon the point of the sword, to St. Paul's."

(^{3d}) In the reign of queen Anne, some gentlemen were deputed to go to the Chapter-house at Westminster, and search for the original will among the records of the Exchequer. They found one, consisting of several sheets of soft coarse paper, tacked together with a braid of green-and-white ribbon; the writing of a mean and slovenly character. The will was signed on the top of the first, and the end of the last page, with the king's hand-writing; as pretended; but the character was fairer than ever he could make, and the hand stiff like a counterfeit one. Upon comparing his name on the will with the stamp, and his usual hand-writing, it agreed with neither.—*See Acta Regia*, Vol. III. p. 348.

Maitland, secretary to the queen of Scotland, in a letter to sir William Cecil, afterwards

Prince *Edward*, and his posterity.

The children he might have by his present queen, or any other whom he might marry after her.

The princess *Mary*, and her issue; provided she married with the assent and consent of the executors of his last will and testament; or of the major part of those who should then be alive, given under their hands and seals.

The princess *Elizabeth*, upon the condition with *Mary*.

Frances Brandon, eldest daughter of his sister *Mary* and the duke of Suffolk.

Eleanor Brandon, younger sister to the lady Frances.

If all these persons should happen to die without heirs, or their issue come to fail, then that the crown should go to the next rightful heir. By this direction the king could only mean *Mary*, the young queen of Scots, the grand-daughter of his elder sister *Margaret*, who wedded *James IV.* of Scotland.

The preference given in the succession to the issue of his younger sister over those of the elder, seems to have arisen probably from his aversion to the Scots, and his fear that the kingdom of England would fall under the dominion of a prince or princess of that nation; an event which, notwithstanding his precautions, in time came to pass.

The first wife of king *Henry* (as before mentioned) was *Catherine*, the widow of his elder brother, *Arthur*, prince of Wales. To her he was married in June, 1509, and after more than eighteen years' cohabitation,

lord Burleigh, says, "The king neither signed the will, nor ordered the stamp to be put to it. He had often been desired to sign it, but always put it off: but when he saw his death approaching, one William Clarke, servant to Thomas Heneage, put the stamp to it; and some gentlemen that were waiting without, were called in, to sign as witnesses. For this he appealed to the deposition of the lord Paget, and desired the marquisses of Winchester and Northampton, the earl of Pembroke, sir William Petre, Doctor Butts, &c., might be examined, and their depositions entered in the Chancery; he also appealed to the original will, by which it will appear, that it was not signed, but stamped only; and, therefore, not being according to the act of parliament, was of no force."—*Vide* Burnet, Vol. I. p. 349; and Collect. p. 267.

was divorced; the sentence being pronounced the 23rd of May, 1543, by Cranmer, archbishop of Canterbury, when it was declared that the marriage had only been *de facto*, and not *de jure*, and, consequently, null from the beginning. (^{3e})

* Act. Pub.
Vol. IV. p.
482.

Hereupon it was ordered that she should be styled only princess dowager of Wales.* She survived this business about two years, and died at Kimbolton, in Huntingdonshire, in 1535, and was buried in the cathedral of Peterborough.

By this princess the king had two sons and a daughter; *viz.*

† Herbert,
Hall.

Henry, eldest son, born at Richmond, the 1st of January, 1510-11. He was presented to the king by the queen, as a new-year's gift,† but died the 22nd of February following, and was buried at Westminster.

Another son, unnamed, who lived but a few months, of whom no further mention is made, except that the king, in the case of the divorce, urged the death of these two princes as a mark of the displeasure of Heaven, by being begotten on his brother's wife.

Mary, only daughter of the king, by the princess Catherine, succeeded to the throne after the death of her half-brother, Edward VI.

‡ Dor. & Ex.
Baron.
Vol. III.
p. 754.

The second wife of king Henry was Anne Bullen, daughter of Thomas, earl of Wiltshire;‡ one of the maids of honour to queen Catherine; whom before the divorce he privately married, in January, 1532-3; which marriage was afterwards confirmed by archbishop Cranmer. But in May, 1536, the king, upon a frivolous accusation, caused her to be arraigned, condemned, and beheaded. She was interred in the chapel of St. Peter, in the Tower.

By her king Henry had an only daughter, the princess Elizabeth, queen of England, as hereafter mentioned.

His third wife was Jane, daughter of sir John Seymour, (brother to Edward, afterwards the great duke of Somerset;) to this lady he was married the 20th May, 1536, the day after the decapitation of his preceding

* Hall.

(^{3e}) During the period pending the divorce, it is to be remarked, that the men generally spoke on the king's side,—the women,* on the part of the queen.

queen. She was his wife scarcely eighteen months when she deceased at Windsor, in October, 1537, to the great grief of the king, and was buried at Windsor. By her he had issue prince Edward, his successor in the throne.

His fourth wife, whom he married at Greenwich, in 1540, was Anne, sister to William, duke of Cleve. From her, in about six months after, he was divorced, and she, by act of parliament, was ordered to be called no longer queen, but only the lady Anne of Cleve. She remained in England long after king Henry's death; and was marshalled with the princess Elizabeth at the procession through London to the coronation of queen Mary.* She died at Chelsea, in 1557, and was buried at Westminster.

* Cat. of
Nob. per
R. Brooke.

His fifth wife was Catharine, daughter of lord Edmund Howard, younger brother to Thomas, duke of Norfolk. To her he was married in August, 1540, at Hampton Court. But she was afterwards accused of incontinence, and, by parliament, adjudged to be beheaded; which sentence was executed in the Tower; and she was there buried near queen Anne Bullen, in February, 1541-2.

His sixth and last wife was Catherine, the dowager lady Latimer, daughter of sir Thomas Par, of Kendal, (brother to William, marquis of Northampton.) To this lady he was married at Hampton Court, in July, 1543. By her he had no issue, and she surviving him, remarried with Thomas, lord Seymour, of Sudley.

King Henry, by Elizabeth, daughter of sir John Blount, knight, and relict of Gilbert, lord Talbois, had a natural son, Henry, surnamed Fitzroy, who was created duke of Richmond, as under that title, in its proper place, will be found elsewhere set forth.†

† Dor. & Ex.
Baron.
Vol. III.
p. 627.

EDWARD VI.

Edward Tudor, only surviving son of Henry VIII., and only child of his mother Jane Seymour, was born, as some say,‡ at Hampton Court, others,§

‡ R. Brooke,
Rapin.
§ Milles.

at Windsor, the 12th of October, 1537, and a few days after was created prince of Wales and earl of Chester.

After the death of his father he was proclaimed king the 31st of January, 1546-7, and on the 20th of February following, was crowned with the usual solemnities, by archbishop Cranmer.

But this excellent young prince, after a reign of only six years, five months, and nine days, died at Greenwich, of a lingering disease, in July, 1553, in the sixteenth year of his age, and was interred at Westminster Abbey.

In the lifetime of his father, a treaty of marriage had been proposed with the princess Mary, the young heiress to the throne of Scotland. This match had been approved in a parliament holden at Edinburgh; but it never was confirmed by the English council, and did not take place. King Edward, therefore, dying unmarried, the right of succession, pursuant to the act of 1543, and the will of king Henry, became vested in the princess Mary. But the ambitious John Dudley, duke of Northumberland, having married the lord Guilford Dudley (one of his sons,) to lady Jane Grey, daughter of Henry, duke of Suffolk, by lady Frances Brandon, his wife, (on which Frances and her issue the reversion of the crown, after the death of the princesses Mary and Elizabeth, without issue, had been settled,) craftily prevailed upon the minor king to make a new settlement of the succession, and fix the same after his death upon the lady Jane, aforesaid.

The artifices of Northumberland having had due effect over the king, and his threats and promises over certain of the judges, the lady Jane was proclaimed queen, the 10th of July, 1553, five days after king Edward's death. But this proceeding brought ruin upon Northumberland and his family. He lost his life upon the scaffold, as did his son, the lord Guilford Dudley, and the unfortunate and much-lamented lady Jane Grey; together (at length) with her father, the duke of Suffolk, by whose execution and attainder, the great and many honours of his ancient house became forfeited, and lost to his heirs and posterity.

Q U E E N M A R Y .

This princess, the first queen who ever swayed the English sceptre after the Norman Conquest, was the only daughter of king Henry VIII. by Catherine of Spain, his first wife. She was born at Greenwich, in February, 1518. By the limitation of the act of parliament, and the ordainment of her father's will, she became entitled to the crown upon the death of king Edward, the 6th of July, 1553. But she was not proclaimed till the 17th of the same month, when her party had taken proper measures to secure her succession. These having at length finally prevailed, she was crowned at Westminster, the 30th of September following, by Stephen Gardiner, bishop of Winchester; and in the second parliament, the divorce between her mother queen Catherine and king Henry was repealed.

In the lifetime of her father, she was desired in marriage, by the emperor of Germany, the king of Scotland, and the duke of Orleans; but none of these offers were accepted.

Having become queen, she married Philip, king of Spain. The ceremony was performed by bishop Gardiner, at Winchester, 25th July, 1554. The same day they were proclaimed king and queen of England, France, Ireland, Naples, and Jerusalem; and by many other titles.*

* Rymer's
Fœd.

In the opening of the third parliament, the king and queen rode together in their robes, having two swords, and two caps of maintenance carried before them.†

† Hollin-
shed,
p. 1112.

Her majesty had no issue, and departing this life the 17th of November, 1558, in the sixth year of her reign, was buried at Westminster.

QUEEN ELIZABETH.

This princess, by the death of her half-sister, Mary, became entitled to the throne, under the act of parliament and her father's will.

She was the only child of king Henry VIII. by his queen, Anne Bullen, and was born at Greenwich, anno 1533.

In 1558, on the 17th of November she was proclaimed queen, and on the 15th day of January following, was crowned at Westminster, by Owen Oglethorpe, bishop of Carlisle.

This solemnity being over, the parliament recognized the queen's title; but it is not an incurious circumstance, that in so doing, it left unrepealed the sentence of her mother's divorce, and the subsequent act, by which Elizabeth was rendered illegitimate. This circumstance is the more particular, because queen Mary, who was in the same predicament with Elizabeth, procured in her reign the repeal of the act, whereby she had been likewise declared illegitimate.

Queen Elizabeth had several proposals for marriage, especially by Philip of Spain, and the duke of Anjou, but she eventually declined them all; and after a most glorious reign of more than forty-four years, died unmarried at Richmond, the 24th of March, 1602, in the seventieth year of her age.

Her body being brought to Whitehall, was afterwards carried in an open chariot, and buried in Westminster Abbey, where her successor, king James, caused a stately monument to be erected to her memory, and where her figure in wax, in her parliament robes, with the imperial crown on her head, is at this day preserved.

Her majesty, previous to her death, having been much importuned to nominate her successor, at length, when near her last moments, was pleased to declare him, in the person of James VI., king of Scotland, eldest surviving son and heir of Mary, queen of Scots, her first cousin; by virtue of which nomination, added to his hereditary pretensions, the family of Stuart took possession of the English throne and dominions.

The following copy of an original letter from queen Elizabeth to Heaton, bishop of Ely, is taken from the Register of Ely:—

“ *Proud Prelate,*

“ I understand you are backward in complying with your agreement; but I would have you to know, that I, who made you what you are, can unmake you: and if you do not forthwith fulfil your engagement, by * * *, I will immediately unfrock you.

“ Yours, as you demean yourself,

“ ELIZABETH.”

Heaton, it seems, had promised the queen to exchange some part of the land belonging to the see for an equivalent, and did so; but it was in consequence of the above letter.

THE HOUSE OF STUART.

In speaking of the genealogy of this family, it is a circumstance of peculiar remark that, after giving many sovereigns to Scotland, it should, when reduced to a single female in the eldest branch, prolong the royal dignity, and by a marriage, at length unite the British crowns.

Banquo, the universally reputed ancestor of this line, was thane of Lochaber, and was one of those who made the most conspicuous figure in the court of Duncan, king of Scots, and the usurper Macbeth ; but of the progenitors of Banquo, the pages of history are silent ; otherwise, than that his mother was daughter of Duffus, and sister to Grimus, king of Scots.

Fleance, the son of Banquo, upon the murder of his father by Macbeth, fled into Cumberland, and thence removed into Wales, where he was received at the court of Griffith ap Llewellyn, prince of North Wales, and married Nesta, the daughter of that prince, by whom he had a son Walter, and a posthumous daughter Fleancha.

Walter, only son of Fleance, leaving Wales after the death of his father, who was there assassinated through the jealousy of the Welsh, came to the English court, where, having incurred the vengeance of king Harold, he put himself under the protection of Alan, earl of Brittany, a relation of the princess his mother. Alan received him with great favour and confidence, and committed to his charge a part of those forces with which he assisted William, duke of Normandy, at the battle of Hastings. Having thus returned again to England, he was treated by the Conqueror with peculiar

regard, but manifesting a partiality of interest in favour of Edgar Atheling, the right heir of the Anglo-Saxon kings, he perceived that he had excited a suspicion in king William, and thereupon determined to provide for his safety, and accordingly repaired to Scotland, where he was kindly welcomed by Malcolm, the then king of that country.

This prince conferred upon him the high office of Steward of Scotland, a post of great honour, as well as of power and emolument, and from which his posterity afterwards derived their surname.

Alan, the second high steward of Scotland, in the lifetime of his father, accompanied the famous Godfrey of Boulogne into Palestine, along with the crusaders, where he obtained great fame, and returned into Scotland with the reputation of a most gallant warrior.

Noble says,* that he is supposed to have died about the year 1153, and that there are extant several charters to which he was a witness, dated towards the end of the reign of David I.; in all of which his name is mentioned with the addition of *Dapifer*. He married Margaret, daughter of Fergus, lord of Galloway, and had three sons; *viz.* Walter,† Adam, and Simon; which Simon, in the chartulary of Paisley, is called *Frater to Walter and Filius Alani Dapiferi*. Of these sons, Walter was his successor; but

* Noble's House of Stuart, p. 5.

† Ibid.

Hollinshed, in his Scotch Chronicle‡, says, that Alan was succeeded in his office of high steward by Alexander, and not by Walter, as mentioned by Noble;§ which Alexander was the founder of Paisley Abbey. It is true that Noble, in support of his statement, cites,|| that in the charters passed early in the reign of Malcom IV., the said Walter is called *Filius Alani Dapifer meus*; but, as authorities differ, it may suffice to remark, that though the four generations preceding the said Walter, seem questionable, the family was nevertheless ancient; yet when, and what was its commencement, or its early successions, seems matter of uncertainty—however, from the said Walter, descended another

‡ Vol. I. p. 345, 4to. ed. Abroath, 1805.

§ House of Stuart, p. 5.

|| Ibid. p. 6.

Walter, high steward of Scotland, who had two sons, Alexander and Robert. Of these, the latter was ancestor to Matthew Stuart, earl of

Lennox, whose son Henry, lord Darnley, married Mary, sole daughter and heir of James V., and became titular king of Scotland.^(3f)

Alexander, the eldest son, succeeded his father in the office of high steward, and was one of the most eminent men of his time, distinguishing himself very particularly at the battle of Largs, in 1263.

James Stuart, son and successor to Alexander in the high stewardship, died about the year 1309, and was buried in the abbey of Paisley. He had issue Walter, his son and heir; which

Walter, hereditary high steward of Scotland, was the first founder of the royal honours which became vested in his race, by his fortunate marriage with Marjory, sole child of the first marriage of king Robert Bruce, the first of the Scots, upon which princess the crown was limited, in case her half-brother David should die issueless. This princess died in 1316 by a fall from her horse, in which she dislocated her neck; but as the infant she was then pregnant of, was perceived to be alive, the Cæsarian operation was performed, and the child taken from her, which proved a male, and became afterwards king of Scotland, by the name of Robert II. This

Robert II. was the first Stuart king of Scotland, to which dignity he was entitled upon the death of his uncle David, brother to his mother Marjory, without issue. By his accession, the office of high steward became merged in the crown.

This king married to his first wife Elizabeth, daughter of sir Adam More, and by her, who died before he obtained the regal dignity, had three sons; *viz.*

John, who was his successor.

Robert, who was earl of Monteith and Fife, and afterwards duke of Albany.

Alexander, who became earl of Buchan.

(3f) In the History of the House of Stuart, by Andrew Stuart, (edit. 1798,) that writer deduces the Lennox line from sir John Stuart, of Bonkyl, brother to James, the eldest son of Alexander, the son of Walter, above-mentioned, and totally rejects Robert.

To his second wife king Robert married Eupheme, daughter of Hugh, earl of Strathern, and by her had two sons, whereof David had the title of earl of Strathern, and Walter that of earl of Athol.

John, eldest son of king Robert, after his father's coronation, was created earl of Carrick, and prince of Scotland. Upon his accession to the throne, in consideration that the kings of England and France, of the name of John, had been unfortunate, the nobility convened at Perth changed the Christian name of the prince, and caused him to be proclaimed by that of Robert III. This

Robert III. was crowned at Scoon, in 1390. In the seventh year of his reign he called a parliament at Perth, where he created David, his eldest son, duke of Rothsay, and earl of Carrick; and his brother Robert, duke of Albany; enacting at the same time, that these titles should always be given to the king's eldest son, and his next brother.

These were the first creations of a duke in Scotland, instituted, probably, that the prince of Scotland might be upon an equal degree of rank with the heir-apparent of England, who about this period first bore the same style of dignity, viz. Duke of Cornwall.

His majesty married Annabel, daughter of sir John Drummond, of Stobhall, and by her had three sons; viz. David, John (or Donald), who died young, and James, who succeeded afterwards to the kingdom.

David, duke of Rothsay, and prince of Scotland, eldest son of king Robert, died, as it is related, of a premature death, in the lifetime of his father, by the means of his uncle, the duke of Albany, who caused him to be famished to death at Falkland. He married Marjory, daughter of Archibald, earl of Douglas, but had no issue.

King *Robert* died of grief, anno 1406, and was succeeded by James, his only surviving son; which

James I., in the 31st year of his reign, was basely murdered in his bedchamber at Roxburgh, in the evening of 21st of February, 1437-8, by his uncle, the earl of Athol, and others.

This unfortunate monarch, when young, had been taken prisoner on the seas by the English, and by order of Henry IV. committed to the Tower. After a confinement of eighteen years he obtained his liberation, and had

not enjoyed his dominions thirteen years before he fell, as before mentioned, by the hands of assassins.

He married, while a prisoner in England, Joan, eldest daughter of John Beaufort, eldest natural son of John of Ghent, duke of Lancaster, and by her, who accompanied him afterwards to Scotland, and was crowned with him at Scoon, in May, 1424, had two sons, (^{3g}) twins; *viz.* Alexander, who died young, and James. This

James II., only surviving son of his father, was but seven years old when he was proclaimed king of Scotland, the 22nd of February, 1437-8. After which, on the 25th of March, he was crowned in the palace of Holyrood-house.

He married Mary, daughter to Arnold, duke of Gueldres, and by her had James, his successor; Alexander, duke of Albany; and John, earl of Mar. Also a son, whose name is not mentioned, by reason that he died very shortly after his birth. Of these sons, the eldest,

James III., upon the death of his father, who was killed at the siege of Roxburgh, in August, 1460, by the bursting of a gun, was proclaimed at Kelso, and in the same month of August crowned king, being then about seven years of age.

He married, in 1470, Margaret, daughter to Christian I., of Denmark, and had three sons; *viz.* James, his successor; James, generally called Alexander, who, at the baptismal font, was created marquis of Ormond, and afterwards earl and duke of Ross; and John, created earl of Mar.

King James having fled from the battle of Bannockburn, where, in consequence of his cruel government, his nobles had taken up arms against him, was followed and assassinated, as he lay defenceless in the cottage of a miller, the 11th of June, 1488.

James IV., at the time of his father's death, was about sixteen years of age, and in June, 1488, was crowned at Edinburgh. This monarch, like

(^{3g}) It is not a little singular that, when James VI. of Scotland ascended the English throne, he should be king of the two nations, in both respects by descent from the house of Beaufort, the above-mentioned queen Joan being aunt of Margaret, mother of Henry VII. of England.

the predecessors of his family, came to a premature death, being slain, according to historians in general, at the battle of Flodden-field, in September, 1513.

He married Margaret, eldest daughter, and at length co-heir of Henry VII. of England, and by her had issue James, who died young; Arthur, who also died young; James, his successor; Alexander, a posthumous son, born at Stirling, in April, 1514, and died in or about two years after; also two daughters, who died infants.

James V. was born in April, 1511, and though of very tender years at his father's death, was crowned, at Stirling, the 24th of February, 1513-14.

He married first Magdalen, daughter to Francis I. of France, but she dying shortly after, he married secondly, Mary, daughter of Claude Guise, and by her had two sons, James and Arthur, who died in their infancy, and an only daughter Mary, hereafter mentioned.

King James died the 13th December, 1542, by whom it was said before his death, upon being informed that the queen was delivered of a fair daughter, *viz.* "It will end as it began; the crown came with a lass, and it will go with one; many miseries approach this poor kingdom: king Henry will either master it by arms, or win it by marriage."

Mary, queen of Scots, sole surviving child of James V., was born in the palace of Linlithgo, the 8th of December, 1542, and a few days after succeeded to the crown of Scotland.

Her beauty, accomplishments, indiscretions, and misfortunes, have engaged the pens of each successive generation, who have striven to vindicate her memory from the aspersions cast upon it by her enemies. A combination of disastrous circumstances obscured the amiable qualities she really possessed; for had she lived in any other period than that of her rival cousin, queen Elizabeth, she might not improbably have shone the constellation of the northern hemisphere.

She was first married to Francis II., then dauphin, and afterwards king of France, by whom she had no issue.

She afterwards married her cousin, Henry Stuart, lord Darnley, son and heir-apparent to Matthew Stuart, earl of Lennox, by Margaret his wife, only daughter and heir of Archibald Douglas, earl of Angus, by queen

Margaret his wife, relict of James IV., and daughter, as before mentioned, of Henry VII. of England; which Matthew, earl of Lennox, was grandson of a former Matthew, earl of Lennox, by Elizabeth his wife, daughter of James, earl of Arran, by the princess Mary, daughter of James II.; and the said last named Matthew, earl of Lennox, was great-grandson of sir John Stuart, lord Darnley, by Elizabeth his wife, one of the three daughters and co-heirs to Duncan Lennox, earl of Lennox, which sir John Stuart, lord Darnley, went with the earls of Buchan and Douglas into France, with a body of Scotch troops, and was by king Charles VII. when dauphin, created for his services lord D'Aubignie and count D'Evereux. He was slain at the siege of Orleans, in 1439, and was lineally (^{3h}) descended from Alexander, high steward of Scotland, the great-grandfather of Robert II., the first of the Stuart line who sat upon the Scotch throne.

Previous to the marriage of queen Mary with lord Darnley, she created him earl of Ross and duke of Rothsay. The ceremony was afterwards performed in the chapel of Holyrood-house, 28th July, 1565, and they were the next day proclaimed by the titles of Henry and Mary, king and queen of Scotland.

The melancholy and untimely death of king Henry is too well known to require comment or narration here; suffice it, therefore, to observe, that after his murder in 1566, the queen remarried with James Hepburn, earl of Bothwell, who was thereupon created duke of Orkney and Shetland.

But by this marriage, the queen having drawn upon herself the indignation of the nobility, she was imprisoned by them, and at last obliged to resign her crown to her infant son, by the lord Darnley, then about thirteen months old, who a few days after was, on the 29th of July, 1567, crowned king of Scotland, by the name of James VI.

The queen, after this event, having escaped out of prison, sought a

(^{3h}) *i. e.* According to Andrew Stuart, *viz.* son to Alexander, son of a prior Alexander, third son to sir Alan, second son of sir John Stuart, by Margaret, heiress of Bonkyl; which sir John was second son to Alexander, and brother to James, the high steward, who died circ. 1309.

sanctuary in England; but being denied access to queen Elizabeth, and passed about from one prison to another for the space of eighteen years, she at length was decapitated at Fotheringhay Castle, upon a charge of being in a conspiracy with foreign Powers, to dethrone queen Elizabeth. She was first buried at Peterborough, and thence removed, when her son James became king of England, to Westminster Abbey.

Thus terminated on the scaffold, on the 6th of February, 1586-7, the life of this unfortunate princess. Her last husband, Bothwell, died some years before, *viz.* in 1575, having for nearly ten years drawn out a life of solitude and wretchedness, and deprived of his understanding.

James VI., only child of Mary, queen of Scots, and the lord Darnley, christened by the name of Charles-James, was born in the Castle of Edinburgh, in June 1566, and was sole heir both paternally and maternally of the house of Stuart.

It is related, that when the news of his birth was communicated to queen Elizabeth of England, she exclaimed, "The queen of Scots has a fair son, whilst I am but a barren stock."

In the thirteenth year of his age, he took upon himself the administration of affairs, which previous thereto had been under the direction of the regents, who had severally been appointed to that office.

Upon the death of queen Elizabeth he became heir to the throne of England, and having been nominated by her, as her successor, he was accordingly proclaimed king of England, Scotland, France, and Ireland, at Whitehall, the 24th of March, 1602-3.

JAMES I.

This monarch, the first Stuart king of England, and the first sovereign of the two kingdoms, having settled his affairs in Scotland, arrived in London the 7th of May, 1603, and on the 25th of July following, was, together with his queen, crowned in Westminster Abbey, by John Whitgift, archbishop of Canterbury, on which occasion the antique regal chair of

enthronization, with the stone brought from Scotland by Edward I., received with the person of his majesty the accomplishment of the prediction, that "wheresoever that chair and stone should rest, there would the Scots continue to reign."

The pretensions of James to the English crown arose, first, from the act of parliament made to secure the crown to Henry VII. and his heirs; secondly, from being the next heir in succession after the death of Elizabeth, by reason of his descent from the eldest daughter of Henry VII.; thirdly, as being nominated by the will of Elizabeth to succeed her.

But this pretended hereditary right, had a certain obstacle in the way, arising from the will of Henry VIII., who had been empowered by parliament to limit the succession to the crown, and who in that will prefers the issue of the queen dowager of France, his younger sister, to the issue of his elder sister Margaret, queen of Scots.

It is to be observed, that no law can be produced on which to found the hereditary succession of the crown of England. There are many precedents which show that parliament assumed a power to dispose of the crown, and settled the succession, without any regard to the heir; for more kings since the conquest have mounted the throne by sanction of parliament, or other means, than by virtue of hereditary right. Of this fact William Rufus, Henry I., and king Stephen, are instances; whereunto may be added the election of king John, and the declaration in favour of the house of Lancaster.

But of all the kings from the time of the conquest, to James I. there was not one who had less right than Henry VII., before he was confirmed by the parliament. () It was, therefore, from this data of confirmation, that the pretension of hereditary right could alone be maintained by king

(³¹) It is a circumstance not unworthy of remark, that king James should derive his title to both realms through a course of descent, founded in each kingdom on a usurpation, but to which the will of the people had consented, and the sanction of the laws had given, the semblance of hereditary succession.

The first was derived from the house of Bruce, which by arms had seized the throne of Scotland from the family of Baliol; to whom the crown was adjudged to belong of right by Edward I.

James; and as this confirmation had all its efficacy from the *will* of parliament, the same *will* having afterwards given power to Henry VIII. to limit the succession, the *Party* entitled to claim under that limitation, had as good a ground for the regal inheritance as could be urged in favour of his Scottish majesty.

Mr. Hargrave, in his preface to chief-justice Hale's "*Jurisdiction of the House of Lords or Parliament, considered according to Ancient Records*,"* * London, 4to. 1796.
page 155, observes—

"It may throw some light on the origin of the rage for the divine right of monarchs, and the sister doctrine of indefeazible right of succession, during the reigns of James I. and his son Charles, and of the two sons of the latter, to recollect how the succession to the crown of England stood at the death of Elizabeth.

"Henry VIII. had been entrusted by acts of parliament with the power of limiting the succession of the crown of England, according to his own will and pleasure. To give so vast a power seems extraordinary; but it should be considered, that his daughters Mary and Elizabeth had both been illegitimated by act of parliament. Probably, therefore, one reason for creating this high trust was, to invest the king with a discretion of so replacing them in the succession, as to avoid the inconsistency of relegitimizing them. But whatever the reasons were, if the last will attributed to him is authentic, he exercised the power so to accomplish that purpose: for, in default of heirs of the body of his son Edward, and of his own body, by his wife Catherine Parr, or otherwise, Henry's last will limited the crown to Mary and Elizabeth, and their issue successively. Had the will of Henry stopped there, the right of James I. to succeed to the crown of Elizabeth would have been wholly exempt from difficulty, because he was heir of the body of Margaret, queen of Scots, elder sister to Henry. But

The second was derived from Henry VII., who by conquest wrested the sceptre of England as well from the house of York, as from the right heirs of the house of Lancaster. But necessity, and not grace, having compelled him to marry the daughter of Edward IV., he thereby restored to the former house their right of inheritance, in the persons of his issue, by such marriage.

the will attributed to Henry did not stop at the limitation to Mary and Elizabeth, and their issue; it proceeded farther, it preferred the issue of his younger sister, the dowager queen of France, to the issue of his elder sister Margaret, queen of Scots. This, indeed, was enough to make king James and his family devotees to the divine right of kings, and the consequential bigotry of indefeazible hereditary succession to the crown; for if the objections which had been made to the authenticity of the will of Henry, were not tenable, and if the objections, which had also been made to the validity of the marriage of Henry's sister, the dowager queen of France, with her second husband, Charles Brandon, duke of Suffolk, also failed; then, not James I., as heir of the body of Henry's eldest sister, the queen of Scots, but such person as at the death of Elizabeth, was heir of the body of his younger sister, the dowager queen of France, became entitled to the crown. On the present occasion, to go deeply into this curious subject, would be too great a digression, but it may be gratifying to those who are fond of genealogical history to mention generally, who, according to the law of descent of the crown, was heir of the body of Henry's sister, the dowager queen of France, and who now stands in that situation, a long dedication would be requisite to enable a correct and convincing statement of these points. But the impression of the prefacer* is, that according to the law of succession to the crown, which, in the case of two or more daughters, prefers the eldest and her issue, lord Beauchamp, son of lady Catherine Grey, by Seymour, earl of Hertford, son of the protector Seymour, duke of Somerset, was *heir of the body of Henry VIIIth's sister, the dowager queen of France, when queen Elizabeth died, and lady Anne Eliza Bridges, only daughter and heir of the last duke of Chandos, married to earl Temple,† is now heir of the body of the dowager queen, by descent from the same lord Beauchamp.* According to the same impression, Algernon, duke of Somerset, of whom the present duke of Northumberland is grandson‡ and heir, was heretofore *heir-male* of Henry VIIIth's sister, the dowager queen of France, by descent from the same lord Beauchamp, according to the *descent of peerage*, and of lands entailed on male issue. But this statement must be understood to be subject to the exceptions formerly taken to the marriage of the dowager

* London,
4to. 1796.

† Now Duke
of Bucks.

‡ Now Great
Grandson.

queen of France, and Charles Brandon, duke of Suffolk, and to the marriage of their daughter, lady Frances Brandon, to Grey, duke of Suffolk, and also to the marriage of their daughter, lady Catherine Grey, and the earl of Hertford. Upon the supposition that the exceptions taken to the second of those three marriages, were founded, it would have the effect of throwing the heirship into the Stanley line of the dowager queen of France and her husband, the duke of Suffolk; and so as it is apprehended the present duke of Bridgewater,* according to the law of succession to the crown, in the case of two or more female co-heirs, would become *heir of that dowager queen's body.*"^(3k)

* Now Earl.

Having thus descanted upon the grounds of claim whereby king James ascended the throne of England, it remains only to observe, that after having reigned twenty-two years and a few days, he deceased at Theobald's, in Hertfordshire, the 27th of March, 1625, from whence his body was conveyed and interred in the chapel of Henry VII. at Westminster Abbey, where a stately monument was erected to his memory.

He married Anne, daughter to Christian II. of Denmark, and by her, who died before him in 1618, and was interred in Westminster Abbey, had several sons and daughters.

Henry-Frederick, eldest son of king James, was born in Scotland, the 19th February, 1593-4; as heir-apparent to the throne of Scotland he was duke of Rothsay, earl of Carrick, and high steward of Scotland. After the accession of his father to the crown of England, he became duke of Cornwall, and was created prince of Wales and earl of Chester,† 30th May, 1610, with great solemnity, sir William Segar, garter king of arms, bearing the letters patent; the earl of Sussex, the purple robes; the earl of Cumberland, the sword; the earl of Rutland, the ring; the earl of Derby, the rod; the earl of Shrewsbury, the cap of state and coronet; the earl of Huntingdon supported his train; and the earls of Nottingham and Northampton supported his royal highness, who was in his surcoat, bare-headed,

† Act. Pub.
XVI. p. 688.

^(3k) In the London Gazette of Saturday, 30th of January, 1808, is a long recital of the noble and royal descent of the house of Bridgewater from the said dowager queen of France, and from divers other persons of the blood royal of England.

attended by twenty-five knights of the Bath. He knelt before the sovereign while the letters patent were read by the earl of Salisbury, and at the word "*accustomed*," his majesty invested him with the robes, sword, cap, coronet, rod, and ring, when, having kissed him on the cheek, the ceremony concluded.

After this the prince kept a separate court, but it was of short duration; for his royal highness, who was a most accomplished prince, died, much to the nation's regret, on the 6th of November, 1612, and was buried at Westminster Abbey, in the vault, as it is said,* of his grandmother Mary, queen of Scots.

† Noble's
House of
Stuart,
p. 296.

Robert, second son of king James, born at Dumfirling palace, and died in Scotland very young.

Charles, (³¹) third son, succeeded to the throne.

Elizabeth, (^{3m}) eldest daughter of king James, was born in Scotland,

(³¹) Baptized by the name of Charles-James.

(^{3m}) This princess, who saw only a phantom of royalty, and had nothing more than the empty title of queen, bore her misfortunes with magnanimity. So engaging was her behaviour, that she was in the low countries called *The Queen of Hearts*.

After the restoration of Charles II., she visited England, and is supposed to have married William, the first lord Craven, whose house was in Drury-lane, where some years since was a tavern, known by the name of the Queen of Bohemia.

Of her sons, by the elector Palatine,

The eldest, Frederick Henry, was drowned in 1629, in the fifteenth year of his age.

Charles-Lodowick, the second, by the treaty of Munster, was created the eighth elector of the empire.

Rupert, the third son, was an active and brave general for his uncle, Charles I., during the civil war. He was created duke of Cumberland, as under that article may be more fully seen.

Maurice, the fourth son, was also a gallant commander on the part of king Charles, but afterwards perished by shipwreck in 1654.

Lewis, the fifth son, died young.

Edward, the sixth son, was made a knight of the Garter after the restoration, and died in 1663.

Philip, the seventh son, was slain at the battle near St. Stephen's, in 1640.

And Gustavus, the eighth son, died in 1641, under age.

the 19th of August, 1596, and in February, 1612-13, was married at Whitehall, to Frederick, count palatine of the Rhine, who in 1620 was elected king of Bohemia, but afterwards was driven out of his dominions, which the weak policy of James would never enable him to recover.

The issue of this match was eight sons and five daughters, whereof the youngest, the princess Sophia, in 1700, was declared by parliament next in succession in the protestant line, to the crown of England, &c., after the death of his majesty William III. and the princess Anne of Denmark, without issue. She was mother of George I., great-grandfather of his present majesty.

Margaret, second daughter of king James, was born at the palace of Dumfirling, in Scotland, in December, 1598, and died young.

Mary, third daughter, was born at Greenwich, in 1605, and died at two years of age.

Sophia, the fourth and youngest daughter, was born also at Greenwich, the 21st of July, 1606, and died two days after.

CHARLES I.

This monarch, the third, but only surviving son, of king James, was born at Dumfirling, the 19th November, 1600, and was very soon afterwards created by his father lord of Ardmannock, earl of Ross, marquis of Ormond, and duke of Albany,—all Scotch honours.*

When king James set out for England to assume the crown, prince Charles being ill, was left behind, but shortly afterwards, in September,

* Sandford,
Beatson, &c.

Of the daughters, Elizabeth, the eldest, became abbess of Herworden, in Westphalia.

Louisa-Hollandia, second daughter, was abbess of Maubisson, in France.

Henrietta, the third, married Sigismund, prince of Transylvania, and died a few months after.

Charlotte, the fourth daughter, died an infant.

And Sophia, the fifth, married Ernest-Augustus, duke of Hanover, father of king George I.

* Anstis on
the Order of
the Bath.

† Ibid.

1604, he arrived at Windsor, and on the 5th of January following* was made a knight of the Bath;† the next day, being Twelfth-day, he was created duke of York, being the first English title conferred upon him.^(3ⁿ)

In 1611 he was elected a knight of the Garter, and on the death of his elder brother, prince Henry, in 1612, he became duke of Cornwall, by virtue of the several charters, authorities, and precedents, by which that dignity was erected, established, and confirmed to descend.^(3^o) But it was not till 1616 that he was created prince of Wales and earl of Chester, when, on November the 4th, it was thought fit to assign him the revenues thereof, to enable him to maintain a court, as heir-apparent to the crown; on which occasion, for the greater splendour of the same, the king created twenty-six knights of the Bath, all sons of noblemen.‡

‡ Anstis, ut
antea.

At the funeral of Henry, prince of Wales, he attended as chief mourner; and upon the marriage of his sister, the princess Elizabeth, with the count palatine of the Rhine, he was her brideman.

Having succeeded his father, he was crowned along with his queen on Candlemas-day, 1625-6, in Westminster Abbey, by George Abbot, archbishop of Canterbury.

The political errors of king Charles involved him in great and unparalleled misfortunes, which terminated in a violent and public death, inflicted upon him, by order of the parliament, on 30th January, 1648-9, on which day his head was severed from his body, on a scaffold erected before one of his own palaces at Whitehall. His remains were afterwards interred at Windsor.

He married Henrietta-Maria, daughter of Henry IV. of France, which marriage was first solemnized at Paris, in the year 1625, the duke of Chevreux acting as his majesty's proxy; after when, on the 13th of June, the queen landed at Dover, and thence coming to Canterbury, was there met by the king, and the marriage consummated. By her, who survived him some years, and died at Columbe, in France, anno 1669, he had the following issue; *viz.*

(3ⁿ) Patent dated at Westminster, 6th January, 1605.

(3^o) Case of Duchy of Cornwall, printed anno 1613.

Charles, prince of Great Britain, who was born and baptised the 18th of March, 1628, and died the same day.

Charles, (^{3^p}) prince of Great Britain, second son, born the 29th of May, 1634, and succeeded his father in his kingdoms, by the name of Charles II.

James, created duke of York and Albany, &c. third son of king Charles I. (afterwards king of England,) born the 14th of October, 1633.

Henry, fourth son of Charles I., born at Oatlands, in the county of Surrey, the 8th of July, 1640. About the eighth year of his age, he was, by the disloyal party of the long parliament, committed to the custody of the earl of Northumberland, at St. James's, together with his brother the duke of York, and the princess Elizabeth his sister; whence the duke of York, making his escape after the murder of his father, he and his sister were sent to Penshurst, in Kent, under the guardianship of the countess of Leicester, sister to the said earl, and were there treated with great respect. But that kindness was but of short duration, for being removed to the Isle of Wight, where his sister, the lady Elizabeth, died of grief, and his entertainment being thought too great an expence by the disloyal party, they resolved to set him at liberty; and, in the year 1652, sent him, with two servants, to Dunkirk, where they promised to allow him a small salary for his maintenance, provided he would not come near his brother, or any other of his relations. But arriving on that side the water he was received according to his birth, and from Brussels went to the princess of Orange, his sister, at Breda, who received him with great joy; nor was he less welcome at Paris, to the king his brother, his mother the queen, and his other royal relations. In the eleventh year of king Charles II. (his brother), during his exile anno 1659, he was advanced to the dignities of duke of Gloucester and earl of Cambridge, and though he lived not to be installed, yet he was elected a knight of the most noble order of the garter. Having been thus partaker with his royal brother in his greatest afflictions, he had the happiness at length to see him peaceably restored to his throne, accompanying him to England, and landing at Dover the 25th of May, 1660. He died at

(^{3^p}) Baptised by the name of Charles Frederick.

EXTINCT ROYAL FAMILIES.

Whitehall, the 13th of September following, unmarried, at the age of twenty-two; generally lamented by all good men, being a prince highly accomplished, who gave great promise, had he lived, of being a shining ornament to his illustrious royal line.

Mary, eldest daughter of king Charles I., was born at St. James's, the 4th of November, 1631; and, when ten years of age, was espoused to William of Nassau, the only son of Henry-Frederick, prince of Orange.

On the 22d of February, the same year, she embarked at Dover, (being accompanied thither by the king her father,) from whence, with the queen her mother, she sailed for Holland, and was there received with much honour, by her father-in-law, Henry-Frederick, who, dying in the year 1648, left issue, William of Nassau, his only son before mentioned, to succeed him in his hereditary honours and estates; but these he did not long enjoy, for death, growing envious of those great actions which his courage promised to the world, snatched him away in the flower of his age, at the Hague, where he died of the small-pox, anno 1650, in the twenty-fourth year of his age, leaving his disconsolate princess, then pregnant, who nine days after his death, the 24th of November, 1650, was delivered of a posthumous, and her only child, William-Henry of Nassau, prince of Orange, afterwards king of England, by the name of William III.

The princess royal, his mother, in the year 1660, coming to England on the invitation of her brother, king Charles II., died the same year, to the great grief of the king and duke of York, to whom she had been an exceedingly kind sister in the time of their exile.

Elizabeth, second daughter of king Charles I., was born at St. James's, the 28th of December, 1635, proving a princess of incomparable abilities and virtues, but met with a cruel untimely fate; for being, by order of the regicides, sent prisoner to Carisbrook Castle, in the Isle of Wight, she there died of grief, conceived at the unheard-of, and unparalleled, murder of her royal father, anno 1650.

Anne, third daughter of king Charles I., was born the 17th of March, 1636, and died at Richmond before she had attained her fourth year.

Henrietta-Maria, fourth and youngest daughter of king Charles I., was born at Bedford-House, in the city of Exeter, the 16th of June, 1644,

during the heat of the rebellion. After the surrender of Exeter, this infant princess was conveyed to Oxford, and so, anno 1646, to London; whence, by her governess, the lady Dalkeith, she was carried, and escaped to France, where she was educated as became her high birth; but being left wholly to the care of the queen, her mother, at Paris, her royal highness embraced the Romish religion.

At the age of sixteen, she came with the queen, her mother, to England, and six months after returning to France, was married to Philip, then duke of Anjou, (till the death of his uncle) and afterwards duke of Orleans, only brother to the French king; she died at St. Cloud, not long after her return from the visit made to her brother king Charles II., at Dover, on the 30th of June, 1670; having had issue by her said husband, one son and two daughters, *viz.*

Philip-Charles, called the duke de Valois, born July, 1664, and died in his infancy.

Louisa-Maria, married Charles II. king of Spain.

Maria-Aloisia, born the 22d of August, 1669, married to Victor Amadeus II. duke of Savoy, by whom she had issue, Maria-Adelheid, born 1685, married in the year 1697, to Louis duke of Burgundy, eldest son to Louis the dauphin, and grandson to Louis XIV., king of France; who died after he had succeeded his father as dauphin, in the month of February, 1711-12, by whom she had three sons.

Louis, born June 1704, called duke of Brittany, but died the year following.

Louis, called also duke of Brittany, born 1707, died soon after his father, having been declared dauphin by his great-grandfather; and another son, styled at his birth, duke of Anjou, born the 15th of February, 1709-10.

Mary-Anne, of Savoy, second daughter to Victor Amadeus, duke of Savoy, was born August, 1687, died an infant.

Mary-Louisa-Gabriela, third daughter, born the 9th of September, 1688, was married anno 1701, to Philip, duke of Anjou, second son to Louis the dauphin, and grandson to Louis XIV. king of France, by whom she had one son, called Philip Louis, born 1707, and declared by the council of Spain, anno 1709, prince of the Asturias; also N. N. born 1709, died an infant.

Philip-Joseph, second son of Victor Amadeus, duke of Savoy, styled prince of Piedmont, born the 6th of May, 1699.

Charles-Emanuel-Victor, third son, called duke of Aosta, born the 24th of April, 1701.

N. N. a fourth son, called duke de Chablais, died an infant anno 1705.

It is to be observed, that the descendants from the body of Henrietta-Maria, fourth and youngest daughter of king Charles I. as before mentioned, were, in point of blood and strict course of legal descent, the heirs to the crown of Great Britain, after the death of queen Anne and the failure of the legitimate issue from king James II., and as such became entitled to the hereditary succession to the throne; but, being Roman Catholics, were excluded by the act of settlement, which gave the crown to the house of Hanover and the Protestant religion, although derived from a more remote branch of the royal family of England.

CHARLES II.

Charles, the second of his name, king of England, was born at St. James's, the 29th of May, 1630, and at eight years of age was elected a knight of the noble order of the garter;* shortly after which, he was by the king declared, but not created, prince of Wales, and had the revenue of the principality, as also of the earldom of Chester, granted to him.

* Anstis's
Hist. of the
Order of the
Garter.

After the catastrophe of his father's death, he was saluted king in Holland, and proclaimed in Scotland; but neither of these circumstances placed him on the British throne. On the contrary, all his efforts to obtain the same, proved ineffectual, and he remained an exile abroad till after the death of Cromwell. At length, on the 25th of May, 1660, he landed at Dover, and on the 29th of the same month, made his triumphant entry into London, when being come to Whitehall, he there in the presence-chamber offered a thanksgiving to the Almighty for his happy restoration.

On the 23d of April, 1661, being St. George's day, his majesty was crowned at Westminster, by William Juxon, archbishop of Canterbury;

for the greater splendour of which solemnity, he created a number of new peers, and advanced several old ones in point of rank.*

* Dug. Bar.
Vol. II.

Furthermore it was enacted by parliament, that the 30th of January, should in future be observed as a day of humiliation for the death of Charles I., and that the 29th of May should be kept as a day of thanksgiving, for the peaceable restoration of his majesty to his hereditary estates.

In 1662 the king was married to Catherine, infanta of Portugal, daughter of John IV., of that kingdom; but by her, who survived him many years, and died at Lisbon, in her native country, anno 1705, had no issue.

His majesty himself deceased the 6th of February, 1684-5, and was buried in Westminster Abbey, where his effigy in wax is yet remaining.

No monarch since the time of Henry I. ever had so many natural children. King Charles, by several ladies, having had as follows, *viz.*

James,⁽³⁹⁾ eldest son of king Charles II. by Mrs. Lucy Walters, daughter of Richard Walters, esq. of Haverfordwest, in the county of Pembroke, was born at Rotterdam, in Holland, anno 1649, and bore the surname of Crofts, till his marriage with the lady Anne Scot, (daughter and sole heir to Francis Scot, earl of Buccleugh, in Scotland,) which surname his father then gave him.

In the year 1662 he was brought over to England, and received by the king with all possible demonstration of joy and affection; and the same year advanced to the dignities and titles of baron of Tyndale, earl of Doncaster, and duke of Monmouth, to him and to the heirs male of his body for ever; he was also elected a knight of the garter, and installed at Windsor the 22d of April following. In the year 1665, he was entered a member of Christ-Church, in Oxford, (having before been incorporated master of arts in both Universities,) and the same year was made master of the horse to his majesty. On the 16th of September, 1688, he was made captain of the life-guards, constituted captain-general of the king's forces, lord-lieutenant

(³⁹) Harris's Life of King Charles II., Granger, &c.

of the East Riding of Yorkshire, governor of the town and citadel of Hull, chief justice in eyre of all the king's forests, &c. on the south side of the Trent, and, anno 1670, sworn of the privy-council.

Thus loaded with honours and preferments at home, and having from his youth betaken himself to military employments, and thereby become very expert in the knowledge and discipline of war, he served in the year 1673, as a volunteer in the French army, at the siege of Maestricht, in the quality of lieutenant-general, against the Dutch; in the taking of which place, he gave many signal proofs of his personal valour, and gained the reputation of a brave and valiant general.

In the year 1678, upon the insurrection of the Field-conventicles in Scotland, which commenced with the barbarous murder of the archbishop of St. Andrew's, he was sent with a sufficient force, as generalissimo, to suppress the rebels, where, giving them battle at Bothwel-bridge, he entirely defeated them, and suppressed that rebellion.

But the following year having shewn himself very zealous in prosecuting a full discovery of the popish plot, and joining with those who were the greatest sticklers at that time against popery, and the fear of a popish successor, by which means he had very much gained the affections of the people; some of his supposed chief friends began to invite him to cast an eye upon the crown; and the more to flatter his hopes therewith, a report was about this time very industriously spread through the kingdom, that the king had been lawfully married to Mrs. Lucy Walters, his mother, which so affected the king, that his majesty thought himself obliged, both in conscience and honour, to declare to the contrary to his privy council, and thereupon caused the following declaration to be entered in the council books.

“ *Whitehall, March 3, 1679.*

“ That to avoid any dispute which may happen in time to come, concerning the succession to the crown, he declares in the presence of Almighty God, that he never gave, nor made any contract of marriage, nor was ever married to any woman whatsoever, but to his present wife, queen Catherine, now living.

Signed

CHARLES R.”

With which declaration some people not being satisfied, and Monmouth still growing more popular, his majesty thought fit to renew his protestation thus :

“ On the word of a king, and the faith of a Christian, that he was never married to Mrs. Lucy Barlow, alias Walters, the duke of Monmouth’s mother, nor to any other woman whatsoever, besides the now queen.”

Which protestation is recorded in the Court of Chancery.

Notwithstanding these declarations, the duke of York, who was then at Brussels, grew so jealous of his new competitor, that he prevailed with the king his brother, soon after, not only to divest him of his commission of captain-general, and of all his other great offices and places which he held under the crown, but that he should likewise depart the kingdom ; whereupon he retired to Utrecht, and there continued, till hearing of the duke of York’s sudden return to England, he instantly followed him, and arriving at London, the people shewed their joy upon that occasion in a very extraordinary manner.

But the popular rejoicings of the citizens for his return, served only to inflame the duke of York the more against him, so that, by his prevailing interest with the king, Monmouth still remained in public disgrace with his majesty, and anno 1682, by reason of the duke of York’s invidiousness, was removed from being chancellor of the University of Cambridge.

The next year a proclamation was issued for apprehending him ; as also Ford lord Grey, sir Thomas Armstrong, and others, concerning the Rye-house conspiracy ; and being taken at Stafford, as he was on his return from the country towards London, he was admitted to bail. It is said he afterwards made confession of the said conspiracy, as likewise his humble submission to his majesty, and was therefore pardoned for the same. But the duke of York, who could not yet forgive him, so passionately fomented the king’s displeasure against him, that he was once more banished the court, and retiring into Holland, continued at the Hague till the death of the king, his father. But before king James was well settled on the throne, anno 1685, he invaded this kingdom ; but being soon after totally routed at Sedgemore,

and taken prisoner, he was beheaded on Tower-hill, by an attainder of parliament, the 15th of July, anno 1685.

He married, as observed before, the lady Anne Scot, daughter and sole heir to Francis earl of Buccleugh, in Scotland, by whom he had the issue following :

Charles earl of Doncaster, eldest son, born 1672, and died an infant.

James earl of Doncaster, second son, born 1674, was, after his father's attainder in England, called earl of Dalkeith, by which title he was received by her majesty queen Anne, into the most noble Order of the Thistle. He married the lady Henrietta Hyde, second daughter of Lawrence Hyde, earl of Rochester, and died at his house in Albemarle-street, in Piccadilly, the 14th of March, 1704-5, having had issue by his said wife, four sons and two daughters. Of the sons,

Francis, was ancestor to the present duke of Buccleugh.

It is to be observed, that upon the death and attainder of the duke of Monmouth, his English honours were forfeited, but the Scotch titles of his wife, were not affected by the attainder. However, in 1743, his English dignities of baron Scot of Tyndale, and earl of Doncaster, were restored to Francis his grandson, before named, but the dukedom of Monmouth has ever since remained extinguished.

The aforesaid Anne duchess of Monmouth and Buccleugh, married to her second husband anno 1688, Charles lord Cornwallis, (to whom she was likewise second wife,) and by him had issue, the lord George Scot, and lady Anne Scot, who both died young, and lady Isabella Scot.

The aforesaid James duke of Monmouth had natural issue, by Mrs. Eleanor Needham, younger daughter of sir Robert Needham, of Lambeth, in the county of Surrey, the following children.

James, eldest son, who took the surname of Crofts.

Henry Crofts, second son, died unmarried, in 1704.

Henrietta Crofts, eldest daughter, married anno 1697, - at Dublin, to Charles Pawlet, the second duke of Bolton, by whom she had issue a son.

The lord Nassau Pawlet, born 1698.

Mary, natural daughter of king Charles II., by Mrs. Lucy Walters, and

sister to James duke of Monmouth, was first married to William Sarsfield, of Lucan, in the kingdom of Ireland, elder brother to Patrick Sarsfield, called earl of Lucan, by whom she had an only daughter, named Charlotte, who became the wife of Mr. Vesey, of Ireland. She married to her second husband, William Fanshaw, esq. master of the requests to king Charles II., and died anno 1693, leaving issue by him, one son, and three daughters, *viz.*

Thomas-Edward Fanshaw.

Anne-Dorothy.

Lucy-Katherine.

And Anne-Mary, married to Mr. Mark Newdigate, of the kingdom of Ireland.

Charlotte-Jemima-Henrietta-Maria Boyle, otherwise surnamed Fitzroy, natural daughter of king Charles II., by Elizabeth, viscountess Shannon, (daughter of sir William Killigrew, knight, and wife of Francis Boyle, viscount Shannon in Ireland,) was first married to James Howard, esq. only son of Thomas Howard, second son of Theophilus, earl of Suffolk, by whom she had issue,

Stuarta Walburgh Howard, her only child, some time one of the maids of honour to her majesty, queen Mary, consort of William III., and died unmarried, anno 1706.

The said Charlotte-Jemima married to her second husband, William Paston, son and heir to sir Robert Paston, baronet, created afterwards earl of Yarmouth, who succeeded his father in that honour, and was second earl of Yarmouth.

Charles, surnamed Fitz-Charles, natural son of king Charles II., by Mrs. Catherine Peg, (daughter of Thomas Peg, esq. of Yeldersty, in the county of Derby,) born about the year 1658, who having been brought up in foreign parts, was therefore commonly called Don Carlos, and being a person of great hopes, and well disciplined in the art of war, was created in the 27th of his father's reign, anno 1675, baron of Dartmouth, viscount Totness, and earl of Plymouth, and died at the siege of Tangier, 1680, having married the lady Bridget, second daughter of Thomas duke of Leeds, but left no issue.

King Charles II., by Barbara Villiers, (afterwards created baroness of

* Vide
Cleveland,
int. Tit. Ext.

† Vide
Month. Rev.
for Sept.
1792.

Nonsuch, countess of Southampton, and duchess of Cleveland,* with remainder to Charles and George Fitzroy, her sons, and their heirs male respectively,) daughter and heir to William Villiers, viscount Grandison, in Ireland, and wife of Roger Palmer,† earl of Castlemain, had several children; of which

Charles, the eldest son, was born anno 1662, and on the 1st of April, 1673, he was installed knight of the Garter, bearing then the titles of earls of Southampton, and heir in succession to the duchy of Cleveland; but afterwards, by letters patent, bearing date the 10th of September, 1675, in 27 Cha. II. was created baron of Newbury, earl of Chichester, and duke of Southampton, to him and the heirs male of his body for ever; and for want of such issue male, the said honours were farther entailed on his younger brother George, duke of Northumberland, and his heirs male.

This Charles, the first duke of Cleveland, (which title, upon the death of his mother, 1709, he enjoyed,) married to his wife, Mary, daughter and sole heir to sir Henry Wood, knight, for some time one of the clerks of the Spicery, in the reign of king Charles I., and afterwards one of the clerks of the Board of Green Cloth to king Charles II., elder brother to Dr. Thomas Wood, bishop of Litchfield and Coventry. She died without issue in 1680.

He married to his second wife anno 1694, Anne, daughter of sir William Poultney, knight, of Misterton, in the county of Leicester, by whom he had issue three sons and three daughters; *viz.*

William, earl of Chichester, born the 19th of February, 1697-8.

Lord Charles Fitzroy, born the 13th of February, 1698-9, and died the 31st of July, 1723.

Lord Henry Fitzroy, born the 17th of August, 1701, and deceased in 1708-9.

Of the daughters:

The lady Barbara died unmarried.

Lady Grace, born 28th of March, 1697, married Henry Vane, lord Barnard, afterwards earl of Darlington.

Lady Anne, born 12th of November, 1702, married Francis Paddy, esq. His grace died 9th of September, 1730, and was buried in Westminster

Abbey, where his duchess, who survived him, and remarried with Philip Southcote, esq., upon her decease in February, 1745-6, was also interred.

William, second duke of Cleveland, married in 1731, Henrietta, a daughter of Daniel Finch, earl of Winchelsea; but by her, who died in April, 1742, had no issue. His grace passed the remainder of his life a widower, in retirement, enjoying the offices of chief butler of England, comptroller of the seal and green wax office, and receiver-general of the profits of the seals in the Court of King's Bench and Common Pleas, being all sinecures, which produced emolument without trouble. He deceased in 1774, when, for want of male heirs, his honours became extinct.

His grace bore the arms of king Charles II., with a Baston Sinister Erm.

Henry Fitzroy, second natural son of Charles II., by Barbara, duchess of Cleveland, was born the 20th of September, 1663, and by letters patent, dated the 16th of August, 1672, was created baron of Sudbury, viscount Ipswich, and earl of Euston; also, on the 11th of September, 1675, duke of Grafton, in Northamptonshire.

This Henry was father of Charles, from whom descended the present duke of Grafton.

George Fitzroy, third natural son of king Charles II., by Barbara, duchess of Cleveland, was born at Oxford, December, 1665, and the 1st of October, 28 Cha. II., was created baron of Pontefract, viscount Falmouth, and earl of Northumberland; and in 1682, 35 Cha. II., was further advanced to the title and dignity of duke of Northumberland, and the next year elected a knight of the Garter. In the year 1701, upon the death of Henry, duke of Norfolk, he was constituted constable of Windsor Castle, and lord-lieutenant of the county of Surrey, and on the death of Aubrey, the last de Vere, earl of Oxford, had given him the command of that royal regiment of horse, in exchange for which he had afterwards conferred on him, in the reign of queen Anne, the command of the second troop of her majesty's horse-guards, and was made lord-lieutenant of the county of Berks, and a member of her majesty's privy council.

He married in 1685, Catherine, daughter of Robert Wheatley, of Breck-

nol, in the county of Berks, and widow of Thomas Lucy, of Cherlecote, in the county of Warwick, by whom he had no issue, and died in 1716.

He bore the arms of Charles II. with a Baston Sinister, Componee Erm. and Az.

Anne Palmer, natural daughter by adoption of king Charles II., by Barbara, duchess of Cleveland, was married to Thomas Lennard, lord Dacres, created earl of Suffolk by king Charles II., by whom she had issue two daughters; *viz.*

Barbara Lennard, married to Charles Skelton, esq.

And Anne Lennard.

Charlotte-Fitzroy, second natural daughter of king Charles II., by Barbara, duchess of Cleveland, was married to sir Edward-Henry Lee, of Ditchley, in the county of Oxon, created earl of Litchfield,* by king Charles II., by whom she had issue nine sons and four daughters; *viz.*

* Vide
Litchfield
int. Tit. Ext.

Edward-Henry, (lord Quarendon,) James Lee, George-Henry, Francis-Henry, Fitzroy-Henry, William, Thomas, John, and Robert.

Charlotte Lee, married to Benedict-Leonard Calvert, son and heir to Charles, lord Baltimore, of the kingdom of Ireland.

Anne Lee, Elizabeth, and Barbara.

Charles, surnamed Lenos, a natural son of king Charles II., by Louisa de Queroualle, a French lady, (who came to England as an attendant on the duchess of Orleans, anno 1640, created afterwards duchess of Portsmouth, countess of Fareham, and baroness of Petersfield for life,) was born the 29th of July, 1672, and in the 22nd year of the reign of his royal father, Charles II., was, by his appointment, created baron of Settrington, earl of March, and duke of Richmond; and likewise, by other letters patent, passed in Scotland, he was created baron of Methuen, earl of Darnley, and duke of Lennox, in that kingdom; on the 20th April, 1681, he was installed a knight of the Garter, and upon the removal of the duke of Monmouth, was made master of the horse to the king, in which office he remained till his father's death.

He married, 1691-2, Anne, eldest daughter of Francis, lord Brudenell, son and heir to Robert, earl of Cardigan, who died *vitâ patris*, widow

and relict of Henry, lord Bellasyse of Worlaby, grandson and heir of John, lord Bellasyse, and sister to George, earl of Cardigan, by whom he had issue one son and two daughters; *viz.*

Charles, earl of March, born in the year 1701, ancestor to the present duke of Richmond.

Lady Louisa Lenos.

And Lady Anne Lenos.

Charles, natural son of king Charles II., by madam Eleanor Gwyn, was born the 8th of May, 1670, and was soon after created (28 Cha. II.) baron of Heddington, and earl of Burford; and in January, 1683-4, (35 Cha. II.) was further advanced to the dignity and title of duke of St. Albans.

In the year 1691, being then of full age, he was introduced into the House of Peers, and two years after, upon the death of the lord Lovelace, was made captain of the Band of Gentlemen Pensioners; and, in the year 1697, soon after the peace of Ryswick, he was sent over to France by his majesty, king William III., to congratulate the French king upon the marriage of his grandson the duke of Burgundy.

He married, April 1694, the lady Diana Vere, eldest daughter and co-heir to Aubrey de Vere, the twentieth and last de Vere, earl of Oxford, by which great lady he had issue—

Charles, his successor;

And lord Vere Beauclerck, a younger son, from whom came the present duke of St. Albans.

James Beauclerck, second natural son of Charles II., by Mrs. Eleanor Gwyn, born in 1671, and died in 1680.

Mary, a natural daughter of king Charles II., by Mrs. Mary Davis, born 1673, (was brought up under the government and tuition of Anne, countess Marshal, wife of the earl Marshal, in Scotland,) to whom the king gave the surname of Tudor, married Francis, lord Ratcliffe, son and heir to Francis, earl of Derwentwater, whom he succeeded in that earldom, and had issue by her,

James, third earl of Derwentwater, who married the daughter of sir John Webb, baronet.

Francis Ratcliff, second son.

Charles Ratcliffe.

And Mary-Tudor Ratcliffe.

This Mary, countess of Derwentwater, married, after the decease of the earl her first husband, with Henry Grahme, esq.; and thirdly, — Rook, esq., son of brigadier-general Rooke.

JAMES II.

This prince was the third son by birth of king Charles I., and only surviving brother and heir to Charles II. He was born at St. James's, the 14th of October, 1633, and thenceforth styled duke of York, though not so created till January, 1643.

During the exile of himself, his brother king Charles, with the rest of the royal family, he entered into arms, and commenced a military career under that very famous French general, the marshal Turenne.

* Cat. of
Nob. in Dug.
Anc. Us. of
Arms.

Upon the restoration of his royal brother, he returned with him to England, and was appointed to the office of lord high admiral: he was also advanced to the dignity of duke of Albany, and earl of Ulster;* and was soon after installed a knight of the Garter.^(3r)

By the death of Charles II., without legitimate issue, he became king of these realms. He was proclaimed by the name of James II., on Friday the 6th of February, 1684-5; and, on the 23rd of April following, was crowned together with his queen in Westminster Abbey, by William Sancroft, archbishop of Canterbury.

The reign however of king James was but short; his ill-judged and arbitrary actions affecting as well the church as the state, caused a general indignation against his government, throughout the country; which termi-

(3^r) In 1661 he was admitted a student of the Inner Temple, and was afterwards *called to the bar*; though he did not keep his terms. The duke of Buckingham was admitted at the same time, but was not called to the bar.

nated in the prince of Orange being invited over by a party for the redress of the public grievances, and in his own withdrawing from the kingdom.

The result of this revolution is too well known to require notice here; it only excites a certain degree of astonishment, that a prince, who in the previous actions of his life, had often exposed his life in divers engagements both by sea and land, should, without a single contest, forsake his army, his friends, and his crown; giving up at once the quiet and peaceable possession of his native land, to a person in whose favour the majority of the nation, had not as yet declared their decisive concurrence.

His abdication (so termed,) took place on the 23rd December, 1688.

The prince of Orange intermediately came to St. James's, and a great council of the nobility was assembled; who having consulted on the measures expedient to be adopted in the exigency of matters, and having heard of the king's departure; on the 25th resolved upon an address to the prince, wherein they desired that he should take upon himself the administration of the public affairs, till the meeting of a convention, intended to be holden on the 22nd of January following.

On the 22nd of January the convention met accordingly; the House of Lords chose the marquis of Halifax their speaker; and the House of Commons Henry Powle, esq.

The first act of the convention was, an address of thanks to his highness for the deliverance he had wrought for them. After which, the House of Commons on the 28th passed this vote; *viz.*

“ Resolved, That king James II. having endeavoured to subvert the constitution of this kingdom, by breaking the original contract between the king and the people; and by the advice of Jesuits, and other wicked persons, having violated the fundamental laws, and having withdrawn himself out of the kingdom, hath abdicated the government: and the throne is thereby vacant.” Which vote was sent to the lords for their concurrence.

Whereupon several conferences took place between the two houses, and at last on the 6th of February, the Lords concurred with the Commons in the said vote.

After which followed many debates concerning a regency, during the life

of king James; which being rejected, the declaration of the princess of Orange as next successor, was proposed by some; the election of the prince of Orange for king, by others; but at length on the 12th of February, both houses agreed in a medium, which was set forth in a certain declaration, purporting to be, "the declaration of the Lords spiritual and temporal, and Commons assembled at Westminster;" wherein among other things it was recited, *viz.*

"Whereas the late king James II., by the assistance of divers evil counsellors, judges and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and the laws of this kingdom, &c. &c."

And "whereas the late king James II. having abdicated the government, and the throne being thereby vacant, &c."

The said Lords spiritual and temporal, and Commons assembled at Westminster, do resolve,

"That William and Mary, prince and princess of Orange, be, and be declared king and queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the crown, and royal dignity of the said kingdoms and dominions, to them the said prince and princess during their lives, and the life of the survivor of them; and that the sole and full exercise of the regal power be only in, and executed by the said prince of Orange, in the names of the said prince and princess, during their joint lives; and after their decease, the said crown and royal dignity of the said kingdoms and dominions, to be to the heirs of the body of the said princess; and for default of such issue, to the princess Anne of Denmark, and the heirs of her body; and for default of such issue, to the heirs of the body of the said prince of Orange.

"And the said Lords spiritual and temporal, and Commons, do pray the said prince and princess of Orange, to accept the same accordingly."

In Scotland, the convention met at Edinburgh, on the 14th of March, William Douglas, then duke of Hamilton, being the high commissioner on the occasion. This convention, on the 11th of April, came to the following resolution, *viz.*

"That king James VII. being a professed papist, did assume the regal power, and acted as king, without ever taking the oaths required by law;

and hath by the advice of evil and wicked counsellors, invaded the fundamental constitution of the kingdom, and altered it from a legal limited monarchy, to an arbitrary despotic power, and hath exercised the same to the subversion of the Protestant religion, and the violation of the laws and liberties of the nation, perverting the ends of government, whereby he hath forfeited the crown, and the throne is thereby vacant."

Hereupon they settled the crown of Scotland upon the prince and princess of Orange, with the like limitations, as that of the crown of England.

The sceptre of Great Britain having thus been taken from king James, it remains only to add, that upon his retirement from England, he went to France, where he was kindly received by Louis XIV., who appointed him a royal residence and subsistence.

In that kingdom, after above twelve years' exile, he died at St. Germain's en Laye, about the 16th of September, 1701, (old style,) in the 68th year of his age.^(3s)

He was twice married. His first wife was Anne, eldest daughter of Edward Hyde, esq. afterwards earl of Clarendon. He was first contracted to this lady (while duke of York) on the 24th of November, 1659, at Breda, in Brabant; and after the restoration was privately married to her at Worcester House, September 3, 1660,* by Dr. Joseph Crowther, his chaplain. By her (who never lived to be queen) he had four sons and four daughters.

* Kennett's
Reg. p. 246.

(^{3s}) A Paris newspaper of Tuesday, the 13th of July, 1824, cited by the Courier (English Evening paper) of the 17th of July, states, viz. "Yesterday the workmen employed in making excavations for the foundation of the steeple of the new church at St. Germain en Laye, found at the bottom of an ancient chapel three leaden boxes, on one of which is the following inscription, viz.—"Here is a portion of the flesh, and noble parts of the body, of the most high puissant and illustrious, and most excellent, prince James Stuart II., of the name, king of Great Britain, born October 23, 1633.—Deceased in France at St. Germain en Laye, Sept. 16, 1701." Below the inscription was the arms of the prince. The registers deposited in the Record Room of the place were then consulted, and Acts were found, dated Sept. 16, 1701, recording the death of the prince; and that his body was taken to the English Benedictines, in Paris; his heart to the Ursalines, at Chalot; and part of his entrails, his brains, and his lungs, to the church of St. Germain en Laye, to preserve in that place the memory of so great and

EXTINCT ROYAL FAMILIES.

Charles, the eldest son, was born at Worcester House, in the Strand, the 22nd of October, 1660^(3^t), but died the 5th of May in the following year.

James, second son, was born at St. James's, the 12th of July, 1663, and was created by his uncle, king Charles, duke of Cambridge. He died the 20th of June, 1667.

Charles, third son, was born at St. James's, the 4th of July, 1666, and died there the 22nd of May, 1667. He was created by his uncle king Charles, duke of Kendal.

Edgar, fourth son, was born at St. James's, the 14th of September, 1667; was created duke of Cambridge, and died at Richmond, the 8th of June, 1671.

Mary, eldest daughter of king James, was born at St. James's, the 30th of April, 1662, and on the 4th of November, 1677, was married at ———, by Dr. Henry Compton, bishop of London, to William-Henry, of Nassau, prince of Orange, as hereafter mentioned.

Anne, second daughter, born at St. James's, the 6th of February, 1664; married prince George, of Denmark, and became queen of England, as hereafter is more particularly noticed.

Henrietta, third daughter, was born at Whitehall, the 13th of January, 1668; and died at St. James's, the 15th of November, in the year following.

religious a prince. It is believed that one of the other boxes contained the remains of his daughter, the princess Louisa-Maria, who died at St. Germain's, April 17, 1712.—The mayor and municipal body, in the presence of the governor of the castle and vicar of the parish, caused the remains thus found to be translated, and deposited under the grand altar of the provisional church.

Since these royal remains were so discovered and deposited, they have been removed, and transported to the church of St. Germain en Laye, conformably, as it is said, to orders given by the king of England to his ambassador at Paris. This interesting ceremony took place on the 10th of Sept. 1824. The ambassador was represented by Mr. Sheldon, an English gentleman, and a Catholic—the bishop of Edinburgh performed the ceremony.—(*Paris Papers*.)

(^{3^t}) The date of this son's birth evidently proves, that Miss Hyde was pregnant by the duke of York prior to her marriage, which event is said to have been urged by king Charles, who observed to his brother, that "he must drink, as he had brewed." It seems, however, that they were contracted at Breda, November 24, 1659.—(*Kennett's Reg.* p. 246.)

Catherine, fourth and youngest daughter, was born at Whitehall, the 9th of July, 1670; died the 5th of December, 1671, and was buried in Westminster Abbey, where also were interred her brothers and sisters.

King James to his second wife married (also while duke of York) Mary, daughter of Alphonso d'Este, duke of Modena, to which lady he was espoused by his proxy, Henry earl of Peterborough, at Modena, in the year 1673, after when, in the month of November, she arrived in England, and the marriage ceremony was performed between them personally, by Dr. Crew, bishop of Durham.

King James by this princess had issue:—

Charles, his eldest son, born at St. James's, November 7, 1677; who was created duke of Cambridge; and died the 12th of December following.

Catherine-Laura, born the 6th of January, 1674, at St. James's; died October 3, 1675.

Isabella, born at St. James's, August 28, 1676; died the 2nd of March, 1680.

Charlotte-Maria, born at St. James's, August 15, 1682; died the 16th of October following: and was interred with the rest of her sisters and brothers, in the chapel of Henry VII., at Westminster Abbey.

James-Francis-Edward, titular prince of Wales, was a son of whom it was said that the queen was delivered at St. James's, the 10th of June, 1688. He was taken by his royal parents to France; where, after the death of James, his father, he was proclaimed king of England; but by the English government he was proscribed, and in these realms was denominated the pretender.

He married Clementine Sobieski, daughter of prince James, the son of the famous John Sobieski, king of Poland; and had issue two sons, Charles, born the 20th of December, 1720; and Henry, born the 23d of February, 1724. But, by reason this unfortunate family were expatriated and proscribed, all further account of them becomes here unnecessary.

Louisa-Maria, a daughter of king James and Mary D'Este, born at St. Germain's, the 18th of June, 1692; died there the 17th of April, 1712.

Besides the issue already mentioned, king James had several illegitimate

children; his majesty, like his royal brother Charles II., being of a very amatory and gallant disposition.

Of these children:

James Fitz-James, was a natural son of king James II. (when duke of York) by Arabella Churchill, (^{3^u}) one of the *maids of honour* to the duchess, and sister to the celebrated John Churchill, who became duke of Marlborough. He was created baron of Bosworth, earl of Tinmouth, and duke of Berwick, in 1687; and the next year retired with his father into France, where, entering into the French service against William III., he was attainted in 1695. He early signalized himself in arms, serving in the emperor's army against the Turks, particularly at the siege of Buda in 1696. He was made a marshal of France, and was general of the French and Spanish armies in several memorable campaigns; commanding in that where the combined forces of England and Portugal, under the earl of Gallway, were so signally defeated at Almanza: at last, as he was viewing the fortifications of Philipsburgh, then besieged by him, he was killed by a cannon shot, in the year 1734. His descendants, by reason of the attainder, not inheriting any of the English honours, it is unnecessary to dwell upon them here; but in France they enjoyed, previous to the late revolution, titles and distinctions of the first degree. The following epitaph was written for this martial duke by Mr. J. Bancks; *viz.*

“ In act to combat, or the foe survey,
Berwick the soldier fell! a nobler way
Fate could not lead, nor virtue could explore
Than what Turenne had sanctified before:
Equal in camp, in council, and in fame,
Their thirst of glory, and their fall the same:
With equal rev'rence, be their marble seen,
There the first Berwick; here the last Turenne.”

(^{3^u}) Miss Churchill afterwards became wife of Charles Godfrey, esq., master of the Jewel Office; by whom she had two daughters; one, Charlotte, married to lord Falmouth;

Henry Fitz-James, second natural son of king James, by Miss Churchill, was born in 1673. He was brought up to the navy, and was commonly called the Grand Prior; but upon the revolution likewise retired to France, where he died; having been outlawed of these realms in 1695.

Henrietta, a daughter of king James, by Miss Churchill, married sir Henry Waldegrave, bart., after lord Waldegrave, as under that title is elsewhere set forth.*

Another natural daughter by Miss Churchill became a nun.

* Vide
Collins's
Peerage.

By Catherine, only daughter of sir Charles Sidley, bart. (which lady was afterwards created countess of Dorchester,†) king James had a natural daughter, Catherine, surnamed Darnley, born anno 1681, who, in 1699, married James, earl of Anglesey, from whom she was divorced, and afterwards wedded John, duke of Buckingham. By her first husband, she had a daughter Catherine, who married William Phipps, grandfather to Henry the first Phipps, lord Mulgrave. By her second husband she had several children, as on reference to the article of Sheffield, lord Sheffield,‡ and duke of Buckingham, may be ascertained.

† Vide Dor-
chester.

‡ Vide Shef-
field.

WILLIAM III.

This prince was the only child of William of Nassau, prince of Orange, Stadtholder of Holland, &c., by Mary, his wife, eldest daughter of king Charles I.

He was born some time after his father's death, on the 24th November,

and the other, Elizabeth, to Edmund Dunch, esq. Miss Churchill, otherwise Mrs. Godfrey, died in May, 1730, at the advanced age of eighty-two. In Grammont's Memoirs she is thus represented: "A tall creature, pale-faced, and nothing but skin-and-bone; whom the court could not imagine how the duke (for he was not then king) of York should have any inclination for, after having been in love with lady Chesterfield, Miss Hamilton, and Miss Jennings."

1650, and married, as before observed, his first cousin, the princess Mary, daughter of king James II.

Having been invited over, for the deliverance of this country from the arbitrary sway of king James, his highness first set foot on British ground at Torbay, in the county of Devon, on the evening of the 4th of November, 1688, and on the following day landed his army.

The object having been effected by the departure of king James on the 23rd of December, and all the subsequent arrangements for the future government of the country having been settled by the convention, the declaration of the Lords and Commons, declaring the throne vacant, and requesting that he and the princess of Orange would accept the same, was presented on the 12th of February following, on which day the princess having arrived at Whitehall from Holland, they were pleased to accept the crown proffered, and accordingly, on the 13th of February, 1688-9, they were proclaimed king and queen.

On the 11th of April their majesties were jointly crowned at Westminster, by Henry Compton, bishop of London; Sancroft, archbishop of Canterbury, having refused to take the oaths. On the same day their majesties were proclaimed at Edinburgh with great solemnity.

Queen Mary died of the small-pox in December, 1694. His majesty outlived her somewhat above seven years, and departed this life at Kensington, the 8th of March, 1701-2, in the fifty-second year of his age. They were both interred at Westminster Abbey, where their effigies in wax are preserved.

Previous to his decease, king William, upon the death of the duke of Gloucester, in 1700, (who was the last surviving child of the princess Anne of Denmark,) recommended to the parliament to make a further provision for the succession of the crown in the Protestant line, which was afterwards made good by the act limiting the succession to the Hanover family, passed anno 12 Will. III.

Q U E E N A N N E.

This princess having succeeded to the throne under the declaration of the Lords and Commons, anno 1st of William and Mary, was immediately proclaimed queen upon the death of king William, and on the 23rd of April was crowned at Westminster by Dr. Tennison, archbishop of Canterbury.

She was the second daughter of king James, by his first wife, and was born on the 6th of February, 1664. In July, 1683, she was married at St. James's, to prince George of Denmark, second son to Frederick III. of that kingdom, and by him, who died at Kensington, in October, 1708, had two sons and four daughters, hereafter mentioned.

Prince George, though he lived to see his princess queen, yet had no participation in the regal power; but nevertheless was invested with high honours and appointments in this country.

On the 6th of April, 1689, (the 1st of William and Mary,) he was created* baron of Oakingham, earl of Kendal, and duke of Cumberland; and by a special act of parliament and naturalization, had precedence granted to him for life, in and out of parliament, before the archbishop of Canterbury, the lord Chancellor, all the other great officers, and before the dukes and all other peers of the realm.

* Dale's
Cat. Nob.

He was likewise constituted lord high admiral of England, the 20th of May, 1702, after the queen's accession; and, after the union with Scotland, was declared lord high admiral of Great Britain, the 28th of July, 1707.

The issue of prince George and queen Anne were—

A daughter, still born, the 12th of May, 1684.

Mary, born at Whitehall, the 2nd of June, 1685, but died the February following.

Anne-Sophia, born at Windsor, the 12th of May, 1686, and died in February in the following year.

William, born at Hampton-Court, the 24th of July, 1689, was baptized

on the 27th of the same month by the bishop of London, his majesty king William, and Charles, earl of Dorset and Middlesex, lord Chamberlain, being godfathers, and Gertrude, marchioness of Halifax, godmother.*

* Dale's
Cat. Nob.

The young prince, when christened, was immediately declared duke of Gloucester. In 1695 he was invested with the order of the Garter, at a chapter holden at Kensington, in the evening of the 6th of January, the 7 Will. III. ; and, on the 24th of July, 1696, he was installed at Windsor, commissioners being appointed by his majesty for that purpose.† But this hopeful prince died of a fever at Windsor, the 30th of July, 1700, and was buried at Westminster.

† Ibid.

Mary, youngest daughter, was born at St. James's, in October, 1690, and died soon after she was baptized.

George, the youngest child, was born at Sion-house, near Brentford, 17th April, 1692, and died shortly after baptism.

Queen Anne died at Kensington, on Sunday, the 1st of August, 1714, and was interred in Westminster Abbey, where her effigies in wax at this day may be seen.

Having no surviving issue, the crown, according to the act of settlement, became vested in the house of Hanover, where it now continues.

APPENDIX,

CONTAINING

ADDITIONS AND EMENDATIONS

TO THE

THREE VOLUMES OF THE

DORMANT AND EXTINGUISHED BARONAGE OF ENGLAND,

ALPHABETICALLY ARRANGED

ACCORDING TO THE ORDER OF EACH VOLUME.

APPENDIX TO VOL. I.

ADDITIONS AND EMENDATIONS.

AGUILLON—p. 2.

WILLIAM AGUILLON, who had married one of the daughters and co-heiresses of Bartholomew de Cheney, (^a) held his lands in Adintone, in Surry, (which were the inheritance of the said Bartholomew,) by serjeanty of finding a cook at the king's coronation, to dress victuals in the king's kitchen.* This William was twice married; his first wife was the daughter of Bartholomew Cheney, as before mentioned; the second was Joan, one of the daughters and co-heirs of William Ferrers, earl of Derby, by which lady, who survived him, he had no issue, and she remarried with John de Mohun, of Dunster. He died 28 Hen. III., and was succeeded by Robert, his son and heir, who the same year had livery of his inheritance.† This

Robert Aguillon, in 45 Hen. III., was one of those great men who was summoned in the rank of a baron to the parliament then intended to be holden at London.‡ In the 54th of the same reign he had license to embattle his mansion-house at Adintone;§ and, 57 Hen. III., was one of

* Mad. Ex.
p. 453.

† Original.
28 Hen. III.
Rot. 10.

‡ Clau. Rot.
45 Hen. III.
m. 3. dorso.

§ Parl. Rot.
54 Hen. III.
m. 26. 68.

(^a) The other daughter and co-heiress married Peter, the grandson of Ailwin, of London; and he had a daughter who married Ralph Parnentar.—Lib. Fæd. p. 225.

the king's council, to whom John de Kirkeby, chancellor, after the death of the king, delivered the great seal.*

* Parl. Rot.
57 Hen. III.
m. 1.

† Ibid.
53 Hen. III.
m. 11. n. 23.

‡ Esch.
20 Edw. I.
n. 30.

§ Ibid.
14 Edw. I.
n. 10.

He was twice married: the name of his first wife is not mentioned; the second, according to the record,† he married the 53 Hen. III.; viz. *Robertus Aguillon duxit Margaretam comitissimam insulæ*. She survived him, and died the 20 Edw. I.,‡ but without issue by him; for, upon his decease, 14 Edw. I., his daughter and heiress Isabel, was twenty-eight years of age;§ whereas, if she had been the daughter of the countess Margaret, she would not have been more than eighteen years old. She married Hugh Bardolf; and as such the heir-general of Aguillon must be the same as is heir-general of the ancient barony of Bardolf. But, as no inheritance of a parliamentary nature is derivable from the Aguillon descent, this notice is merely made in explanation of the former statement, which, having been given after Dugdale, has been found, from the subsequent inspection of records, not to be perfectly correct.

ALBINI OF CAINHO—p. 3.

After the conclusion of the said account of this family, add, viz.

|| Testa de
Nevil, 250.

To this barony belonged twenty-five knights' fees,|| whereof twelve were given to the purposes of religious foundations, as appears by the certificate of Robert de Albini, in the return of his barony, 12 Hen. II., on the assessment of aid for marriage of the king's daughter.¶

¶ Hearne's
Lib. Nig.
Scacc.
V.I. p. 202.

The inheritance having fallen to female co-heirs, and the male line,—at least in the principal branch,—having become extinct, the name was again revived in the family of Hocton, to which one of the co-heiresses had been married. This

** Esch.
n. 22.

William de Hocton, who took the surname of Albini, died** 48 Hen. III., seised, among other lands, of the manors of Kainhow (or Cainho), Aunt-hull, or Ampthill, and Melbroke, in the county of Bedford; to whom succeeded—

†† Ibid.
n. 10.

Simon de Albini, who deceased 1 Edw. I.,†† possessed also of the said

manors, which afterwards became divided among his sisters and co-heirs, as the following record* sets forth; *viz.*

R. assignavit Hug' de S'ca Cruce qui Isab' primogenitam sororem & unam hered' Simonis de Albinaco defuncti qui de R. tenuit in capite duxit in uxorem Aulam de Kaynhou cum porticu & parte ab hoc assignata p B're Dñi R. & Hug' de Lacy Johān pñatam sororem & unam hered' pđci Simonis tres gn̄ias cum placea & parte ad hoc assiġta p brē R. &c.

Et mandatum est Esch' R. qđ Cañam fcam de petro ibidem cum porcone & ppārte Christianam sororem & unam hered' dci Sim' contingete retineat in manum R. &c.

* Rot. Orig.
Scacc.
1 Edw. I.
Rot. 18&23.
Bedf.
North.
Berks.

Lysons, in his *Magna Britannia*, recites,† that after the extinction of the family of Albini, it is probable the manor of Clophill, or Cainhoe, was sold by the co-heirs: it passed through the families of Lacy, Nowers, and Norton; after which, it came to the Greys, earls of Kent; and is now the property of their representative lady Lucas.

† Vol. I.
p. 70.

ARCHDEKNE—p. 228.

Under this article it has been said, that John le Archdekne married Cecily, daughter and heir of sir Jordan Fitz-Stephen, of Haccombe; but Ralph Brooke, in his *First Discovery of Camden's Errors*,‡ asserts, that the families of Fitz-Stephen and Haccombe were distinct; that Haccombe bare arms, "*Arg. three Bends S.*"; and Fitz-Stephen, which was always seated at Norton, in Devonshire, bare "*G. an Eagle displayed, O.*"; and that in the time of Edward II. there was one Stephen de Haccombe, who, dwelling at Haccombe, had a son named Warine, who thence might be called *Warine, filius Stephani de Haccombe*: for the truth whereof, Brooke refers to the family of Carew. Thus, Jordan might be another son of Stephen de Haccombe, and brother to Warine; whence the last was given as a Christian name to Archdekne's son.

‡ p. 9.

* Cleve-
land's Ho.
of Courtney,
p. 238-9.

After the words, Joan and Alianor (or Elizabeth), at the bottom of the page, read, *viz.* Whereof Joan married, first, sir Nicholas Carew; and second, sir Robert Vere, a younger son to Richard, earl of Oxford; by both of whom she had issue. She is presumed to be buried at Haccombe, where there is a monument of a lady, with the effigies of a youth at her feet, who is supposed to be her brother,* who died young. The co-heirs general to this barony are very numerous.

ARGENTINE—p. 229.

† Lib. Fœd.
V. II. p. 258.

Of this family, the record† thus sets forth their antiquity, and their splendid coronation service; *viz.*

Riç de Argentũ tenet Wilemudeslea de Dñō Rege p šjant' scilz ad šviend de una cupa argentea ad coronaçõem Dñi reg. & ancešsor' sui tenerũt dñi reg' de veŕi feoffaũto p idem šviciũ.—

At line 18 from the top, after *which*, read *Giles* instead of *Reginald*;— and at line 21, after *cup*, read, *leaving Reginald, his son and heir before mentioned, forty years old.*

ARUNDEL—p. 7.

To the preceding account of this title, in the family of Albini, there may be added, *viz.*

‡ Hist. Co.
of Norf.

It was not the manor of Bokenham only which was given to hold by the service of butlership, but the manors of Wymondham, Kenninghall, and Snettisham, were attached thereto,‡ to be holden all by the said service; upon the division of the inheritance in the time of Henry III. these manors were separated; those of Bokenham and Wymondham were allotted to

Robert de Tatshall, and those of Kenninghall and Snettisham to Roger de Montalt; whose descendant, another Robert, 1 Edw. III., petitioned the barons of the Exchequer to be admitted chief butler on the coronation day, by reason of his manor of Kenninghall, which office he recovered against the earl of Arundel, who claimed it, as belonging to his earldom; and he performed the office accordingly. Furthermore it was settled that the said office thenceforth should be performed by the several lords of the manors of Kenninghall, Bokenham, Wymondham, and Snettisham, or their deputies, by turns.

It seems, that at the coronation of Edward II., the earl of Arundel, by his great power and influence, executed this high office, although he was not seized of any of the before-mentioned manors. This being to the disherison of Montalt and his coparceners, caused the said Robert to prefer his claim at the coronation of Edward III., and he performed the whole service, the heir of Tatshall being in minority.

With regard to Snettisham having a turn in the office, the jurors upon the search could find no record to shew the right, because it appeared that while the Albini family executed the office, they were in possession of all the four manors.

In 1327 Robert de Montalt, with Emma, his wife, levied a fine, whereby they settled the manor of Kenninghall, with other lands, upon themselves, and their heirs male; remainder to Isabel, queen of England, for life; remainder to John of Eltham, the king's brother, in tail-male; remainder to the king and his heirs for ever. Montalt and his wife died without issue, and king Edward III. granted the manor of Kenninghall, with other lands,* to William de Montacute, who, upon paying queen Isabel 600 marks for her interest therein, had immediate possession of it. He died seized, leaving it to William, his son and heir, who, upon the marriage of his son, sir William Montacute, with Elizabeth, daughter of Richard Fitz-Alan, earl of Arundel, settled the same upon them and their issue. But sir William died before his father, issueless, leaving his wife surviving, who held the same in dower, the reversion after her death, being in her father-in-law, William earl of Salisbury. This lady remarried with Thomas, lord Moubay, who, in her right, held the manor; but Richard, earl of Arundel, her father, pur-

* Rot. Par.
11 Edw. III.
m. 17,
Pars. 3.

chased the perpetual inheritance of it, from the earl of Salisbury, and had a fine to settle the same on him, and his heirs. By his attainder, however, shortly afterwards, the reversion became vested in the crown, and was, thereupon, granted by the king (Richard II.) to Thomas de Moubray, then duke of Norfolk, but he being banished the year following, the king granted it back to the Montacute family. Sir Thomas de Montacute earl of Salisbury died seized in 1428, leaving an only daughter and heir alive, then married to Richard Nevill, son to Ralph earl of Westmorland, which Richard, on her account, was afterwards created earl of Salisbury. He gave the manor of Kenninghall (with divers other lands), with Joan his daughter in marriage, to William Fitz-Alan earl of Arundel, who, in the Feodary, is said then to hold the said manor.

The earl probably sold it to John duke of Bedford, who, about 1435, sold it again to the prior of Thetford, in trust for John Moubray duke of Norfolk, who settled it on Elizabeth, his wife, for life, and their heirs; by virtue of which limitation, the same, in a course of inheritance, became acquired by the Howards, who, at several coronations, have performed the office of butler, by reason of this their tenure of the manor of Kenninghall.

It is somewhat to be lamented that the old chronicles differ much from each other in their accounts of the deaths and incidents relating to this family.

By the register of the priory of Dunstable, it is stated, that William, third Albini earl of Arundel, went in 1219 to the Holy Land, to the siege of Damietta, where a son "*Filius Comitis de Arundel*," with the earl of Winchester, and divers other eminent persons, died; but what was the name of this son, is not represented: it is, however, to be collected from this circumstance, that he had another son, besides William, and Hugh, his successors; and by a special record* it also is made manifest, that he had another daughter, besides the four who divided his great possessions; *viz.*

* Rot. Par.
17 Hen. III.
m. 9, n. 36.

R. concessit Collettæ filiæ W. quondam comitis Arundel, ac nepoti Ranul' quondam comitis Cestri et Lincoln triginta librat' terr' in maner'o de Ledes in com' Ebor' in porcōne Hugonis de Albin' de heredit' dicti comitis Arun' dicto Hugoni contingent'.

AUBERVILL—p. 18.

After the last line at the bottom, add—

The aforesaid Joan had another husband, beside Criol; for the record * thus recites; *viz.*

* Originalia,
32 Hen. III.
Rot. 3.

Rex cepit homagium Hen. de Sandvic' de ĩris que tenere debet de R. in cap' racone Johanne ux̃is sue filiæ & hæredis Will̃i de Auberville.

BAALUM—p. 19.

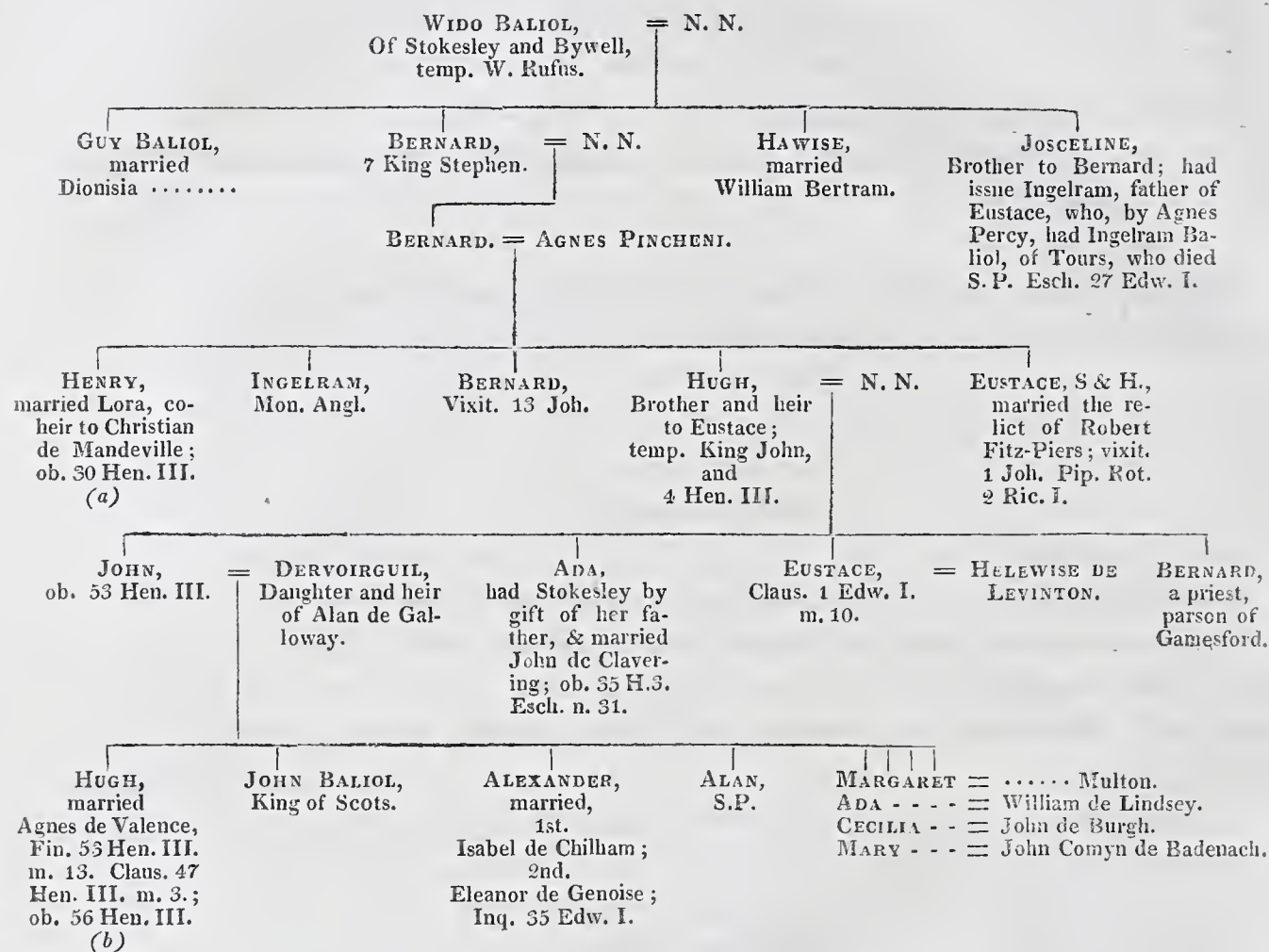
After Alice, at the end of the 3rd line from the top, add—

There was another daughter, whose name is not set forth. She and her sister Alice married John and James de Calce, who, by the grant of king John, held the barony of Baalum, or Bolum, by the service of three knights' fees.†

† Testa de
Nevil, p.
392 & 395.

*BALIO*L—p. 19.

In order to reconcile the previous account of this family, once so eminent in point of rank, of which Dugdale has made no just connection, the following table of descent from the MSS. of the late J. C. Brooke, esq., in the College of Arms, is submitted as a more accurate and elucidatory statement of the respective branches:—



(a) Parkins, in his Topography of Freebridge, County of Norfolk, p. 50, states, that this Henry, by Lora, his wife, had a son Alexander, living 56 Hen. III.; as also a son, Guy Baliol.

(b) Chauncey, in his History of Hertfordshire, says, this Hugh had a son Alexander, who claimed the manor of Box, as is shown by Quo Warranto, 6 Edw. I., Rot. 37. in Curia Scacc. He died in the 7 Edw. I. S. P.

EVIDENCES.
Vt. 101. 123.
Vt. 2. 30.
B. B. — 30.
C. 13. 210.
Deeds concerning Baliol and Stokesley.

BALUN—p. 21.

Hameline de Balun, who is stated to have died without issue, had a natural daughter, Emeline, who married Reginald, a natural son of Roger de Britolio, earl of Hereford,* and had a son called William Fitz-Reginald, who held one knight's fee of the honour of Bergavenny, and was denominated grandson of Hamelin de Balun.† He also held one knight's fee in the county of Devon;‡ which Nicholas Avenel had with the daughter and heir of the said William.

* Milles' Cat. Hon. p. 1060.

† Hearne's Lib. Nig. Scacc.

V. I. p. 153.

‡ Ibid. p. 129-30.

BAYEAUX—p. 25.

After *beyond sea*, at the last line, read, *viz.*

It was Stephen, and not John de Bayeaux, who left two daughters and co-heirs, namely, Maud and Joan, the custody of whose minority was granted§ by Henry III. to Elias de Rabaine, who married Maud, the eldest; which Maud, after his death, remarried with Peter Mallore. Joane, the youngest, became the wife of — Baudrat, whose son, Peter Baudrat, (a Poictevin) recovered a moiety of the barony of Bayeaux, after claim made the 14 Edw. I., and thence continued for divers succeeding years. ||

§ Rot. Pat. 34 Hen. III. m. 6.

|| Rot. Parl. Vol. I. p. 337-8, and Ibid. 8 & 9 Ed. II.

BENHALE—p. 241.

After the conclusion of the account of Robert de Benhale, add—

He married Eva, daughter and heir of John, lord Clavering, and was famous for a duel, mentioned by Barnes in his History of Edward III., fought by him with a Scotchman, whom he killed. At his death he was interred in the abbey of Langley, in Norfolk, where Eva his wife, at her death, 45 Edw. III.,* was also buried.

* Esch. 45 Edw. III. n. 2.

It may be questioned, whether the summons to parliament of 34 Edw. III. was the creation of any dignity, or whether it was a summons in right of his wife Eva, the baroness of Clavinging, as being tenant by the curtesy of the lands of her barony. The said Eva de Clavinging had been married before ; first, to Thomas de Audley, by whom she had no issue ;—secondly, to Ralph de Ufford, by whom she had three sons ;—and thirdly, to James de Audley, who by her had two sons and two daughters.*

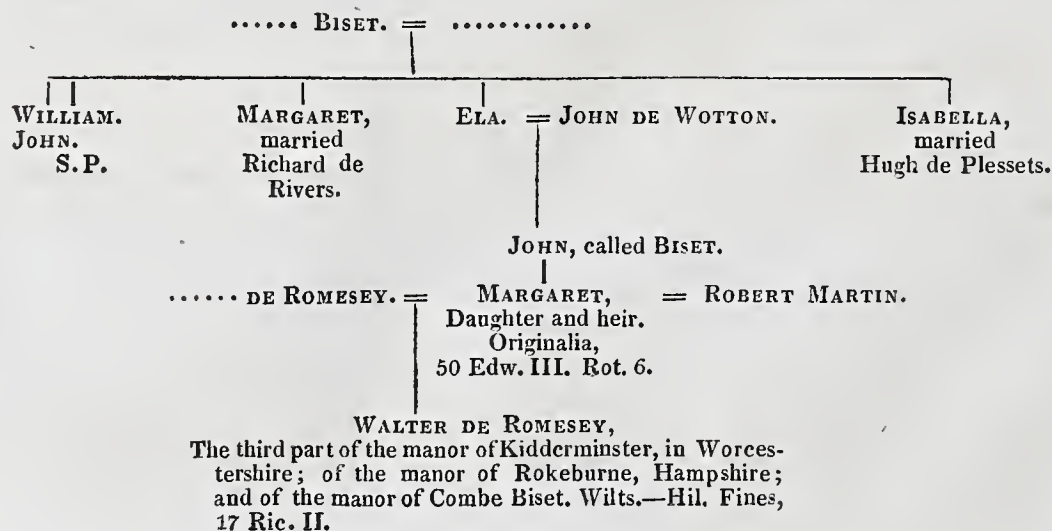
* Monast.
Ang.
V. I. p. 867.

BISSET—p. 35.

† p. 180.

Atkyns, in his History of the County of Gloucester,† recites, that John Biset, chief forester of England, descended from Manser Biset, in the reign of king Stephen, held the manor of Wiggold. He married Alice, one of the daughters and co-heirs of Thomas Basset, of Hedendon, and died seised of Wiggold, leaving Alice, his wife, surviving, who held that manor in dower. After her death, the said manor descended to four daughters of John Biset; *viz.* Margaret, Ela, Isabel, and Edith; which last was called Edith, lady of Wiggold, and was foundress of the hospital of St. Laurence, in Cirencester; but according to Madox, in his *Baronia Anglica*,‡ the heirs of John Biset were his *sisters*, and not his daughters; and of these, the three first names are only mentioned.

‡ p. 53.



BOHUN—p. 244.

The last John de Bohun, of Midhurst, had an only daughter Mary, who married sir David Owen, and had a son sir Henry Owen, which Henry sold Midhurst, with the manor of Cowdray, and divers other lands, to sir William Fitz-William, treasurer to king Henry VIII. (^b)

As the first summons to parliament of this family was not till after the marriage with the co-heir of Braose of Gower, it becomes a question, how far the said summons was a determination of the abeyance of that barony. Moubray, who had married the other co-heir, being already in the high rank of peerage, and summoned to parliament by that name of his own barony.

BOLEBEC OF BUCKINGHAMSHIRE—p. 38.

Isabel de Bolebec,* fined three hundred marks, and three palfreys, that she might not be distrained to marry, and if she would, that it should be with the king's consent; and also, that she might have a reasonable aid of all her knights and free tenants, to enable her to pay this fine; that is, of such part of her inheritance against her sister. With regard to the name of this sister, it is not stated, but that she was the wife of Elias de Beauchamp, and had five knights' fees.† Hence the barony of Bolebec did not pass entire to the Vere family, unless by the failure of issue from the said sister of Isabel.

* Mag. Rot.
9 Joh.
Rot. 18.

† Pip. Rot.
9 Joh.

(^b) Indenture of sale, dated 9th November, 19 Hen. VIII.—Ex evid. penes Vicecom. Montague.

BOLTBY—p. 39.

After Tunstall, the last word at the bottom of the page, add—

Eva, the other daughter, married first, William de Cantilupe; and secondly, Alan de Walkringham.

BRAOSE OF GOWER—p. 246.

* Hutchins'
Dors.
V. II. p. 60.

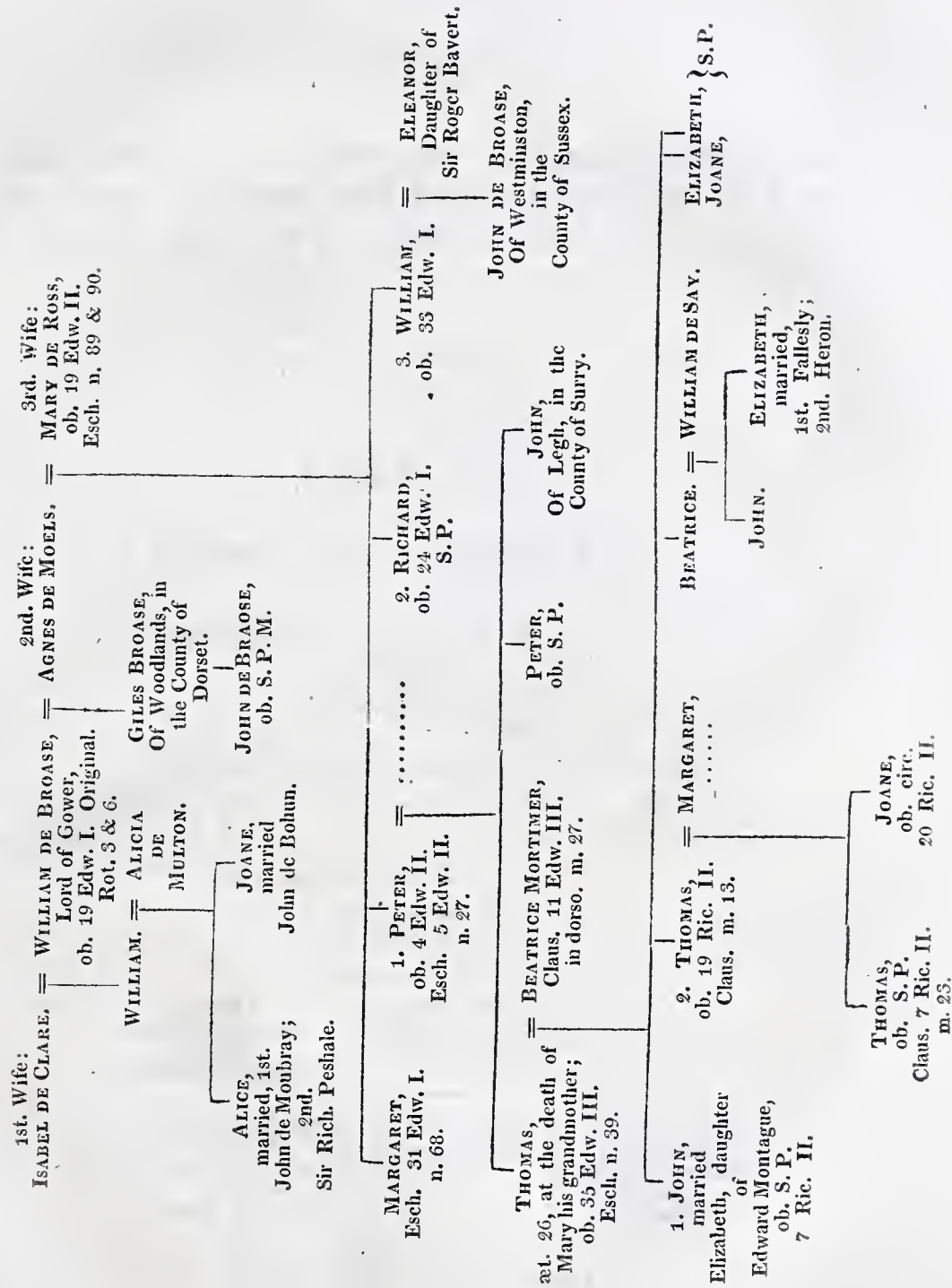
† Rot. Parl.
Vol. I. p. 89.

‡ Esch.
33 Edw. I.
n. 73.

§ Originalia,
20 Edw. II.
Rot. 6.

Hutchins, in his History* of the County of Dorset, states, that William de Braose, who died 19 Edw. I., had a second wife, Agnes, daughter of Nicholas de Moels, of Cadbury, with whom he acquired the manor of Woodlands, in that county, which descended to Giles his son, by her; † which Giles died 33 Edw. I., ‡ leaving John his son and heir; who, on the death of his mother-in-law, Mary Braose, 19 Edw. II., had livery of her dower in the manor of Buckingham, being then of full age. § The following table of descent may more clearly display the connective branches of this ancient baronial family.

BROASE OF GOWER.

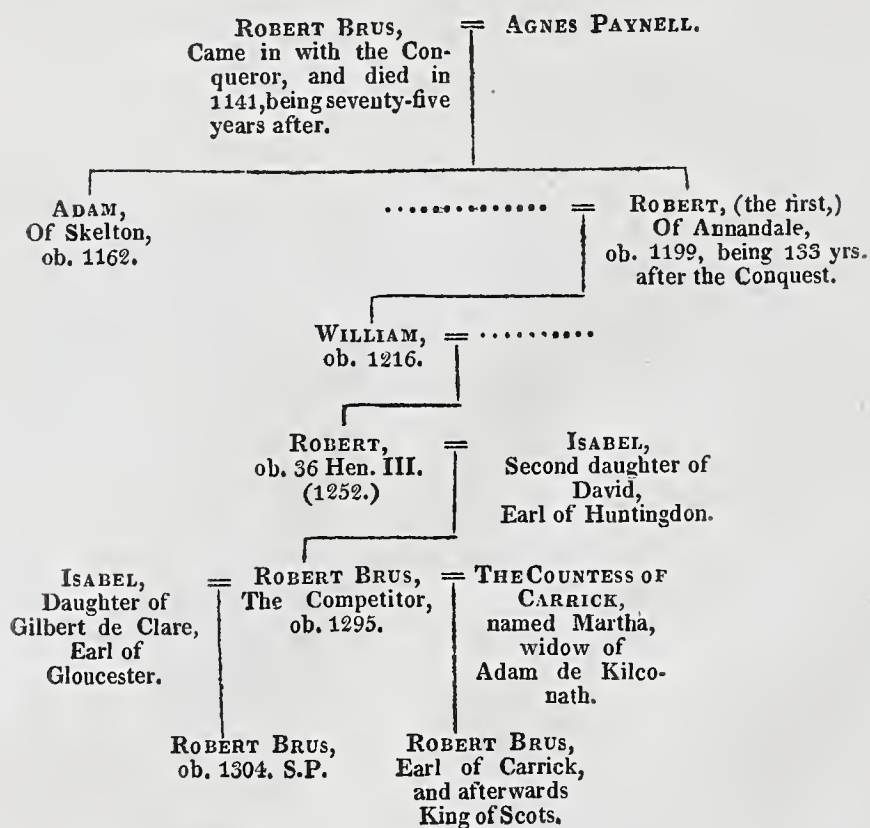


BRUS—p. 44.

Mr. Hornby having been very severe in his remarks upon Dugdale's account of this great house of Brus, their statements are submitted to the reader for the better illustration of their respective assertions.

BRUS.

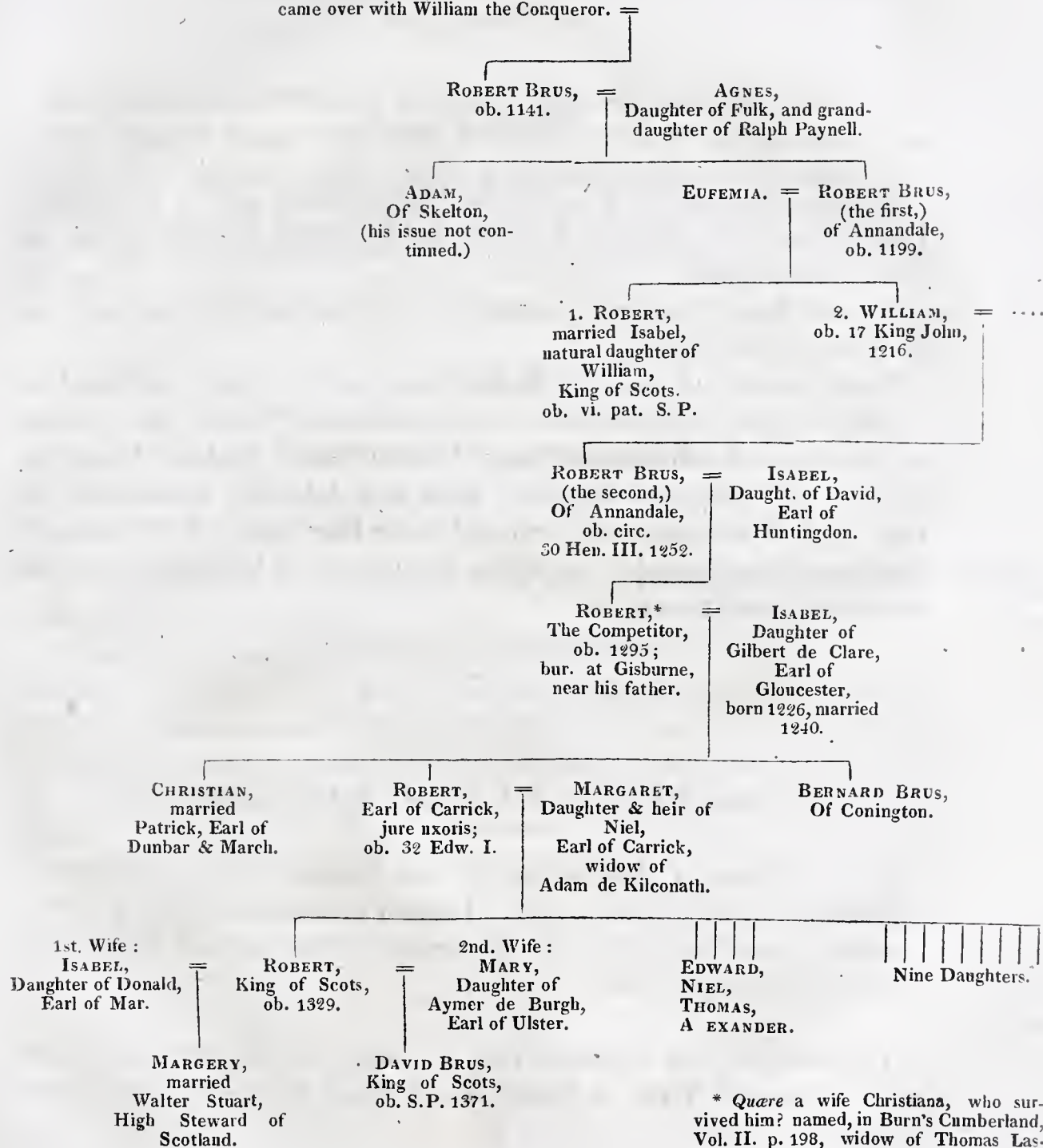
(ACCORDING TO DUGDALE.)



BRUS.

(ACCORDING TO HORNBY.)

ROBERT BRUS, a Norman, 1066, at which time he came over with William the Conqueror. =



* Quære a wife Christiana, who survived him? named, in Burn's Cumberland, Vol. II. p. 198, widow of Thomas Lascelles, and daughter of — Ireby.

BUSSEL—p. 48.

* Monast.
Angl. V. I.
p. 360.

Warine Bussel lord of Penwortham, in Lancashire, gave* the chapel of Penwortham to the abbey of Evesham, and had issue, Richard, Albert, and numerous daughters.

† Ibid.

Richard Bussel was also a benefactor to the said abbey,† and confirmed the grants of his father.

‡ Mag. Rot.
4 Joh.
Rot. 12.

Hugh, nephew of the said Richard, and son of Albert, confirmed his uncle's donations, and also those of his grandfather Warine, the witnesses to his charter of confirmation being, Warine Bussel, his heir; Henry, his brother; and Antigonia, his wife. After king John had dispossessed the said Hugh of his barony, he proffered to the king a fine of 400 marks to have restitution thereof;‡ but neither he, nor any of his family, ever had summons to parliament.

CAMVILL, OF CLIFTON—p. 253.

§ Rot. Pat.
11 Edw. III.
m. 17,
pars. 2.

In the account of this family, the two daughters and co-heiresses of William de Camvill are called (after Dugdale) *Maud* and *Margery*; but by a record, § granting to them the division of certain lands in Wales, their names are thus stated, *viz.*

Pro *Matilda* quæ fuit uxor Riçi de Vernon, et *Eleonora* sorore ejus filiab' & hæred' Wiffi de Campvill pro Man? de Lanstephen in com. Carmar. in Wallia.

In Tonge church, (Staffordshire,) is a raised monument of marble, with the portraiture of a man in armour, and his wife in brass, with this circumscription, *viz.*

Hic jacent Dñs Wifflmus Vernon, miles quondam Constabularius Angliæ, filius & hæres, Dñi Ricardi Vernon mititis, qui quondam erat Thesaurarius Calesiæ, qui quidem Dominus Wifflus obiit ultimo die mensis Junii A^o Dñi 1477. Et Margareta uxor dicti Wiffl filia hæreditar[?] Dñi Roberti Pypis et Spernore Militis, quæ quidem Margareta obiit anno Dñi Milliñ. -----

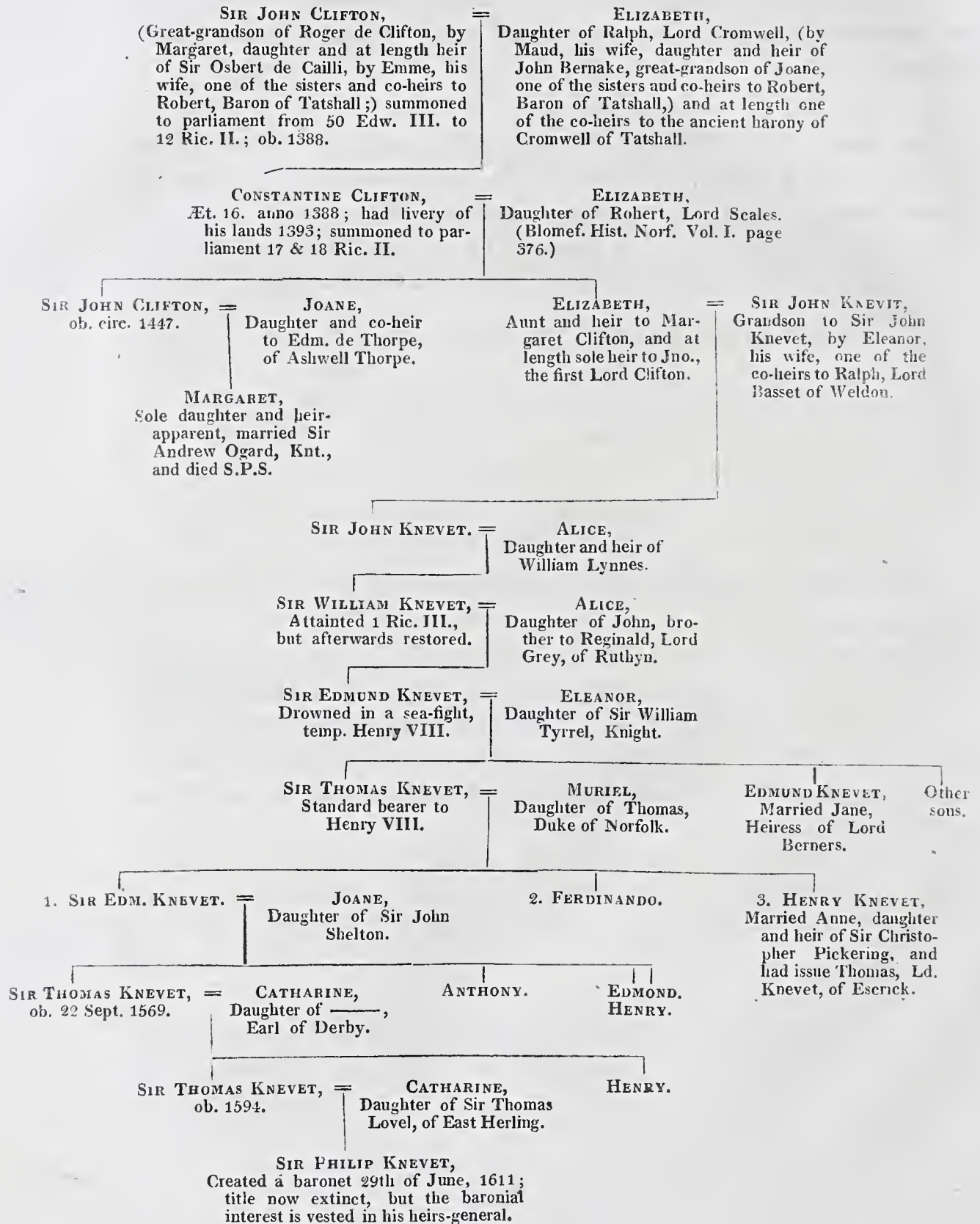
CHENEY—p. 265.

At line 21 from the top, instead of “ *Margaret, wife of George Nevill lord Abergavenny,*” read, *viz.*

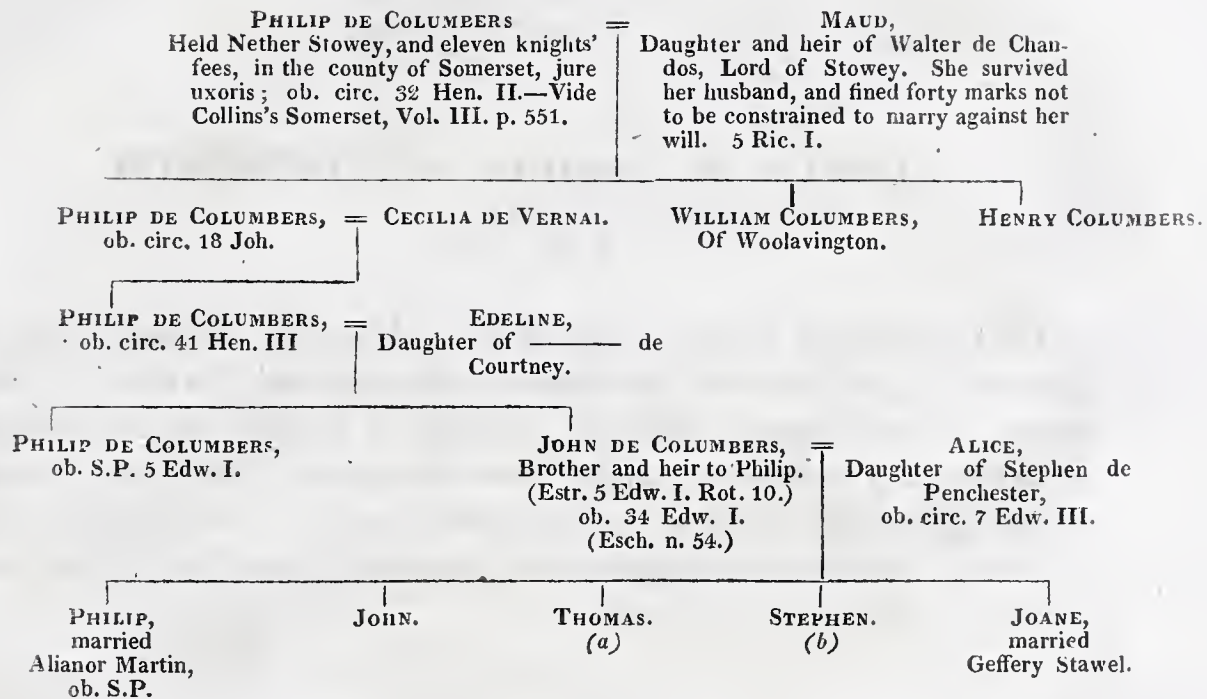
Hollinshed relates, that sir Thomas Cheney, K. G., had a son John, who was slain at Mutterell, after having married *Margaret, daughter of George Nevill lord Abergavenny*; as such, if Hollinshed be correct, (whom Collins has followed, though not cited) Dugdale must have been in error, in making her a daughter, who, in truth, was daughter-in-law to the said sir Thomas Cheney.

CLIFTON, CROMWELL OF TATSHALL, & BASSET OF WELDON,

p. 268.



COLUMBERS— p. 272.



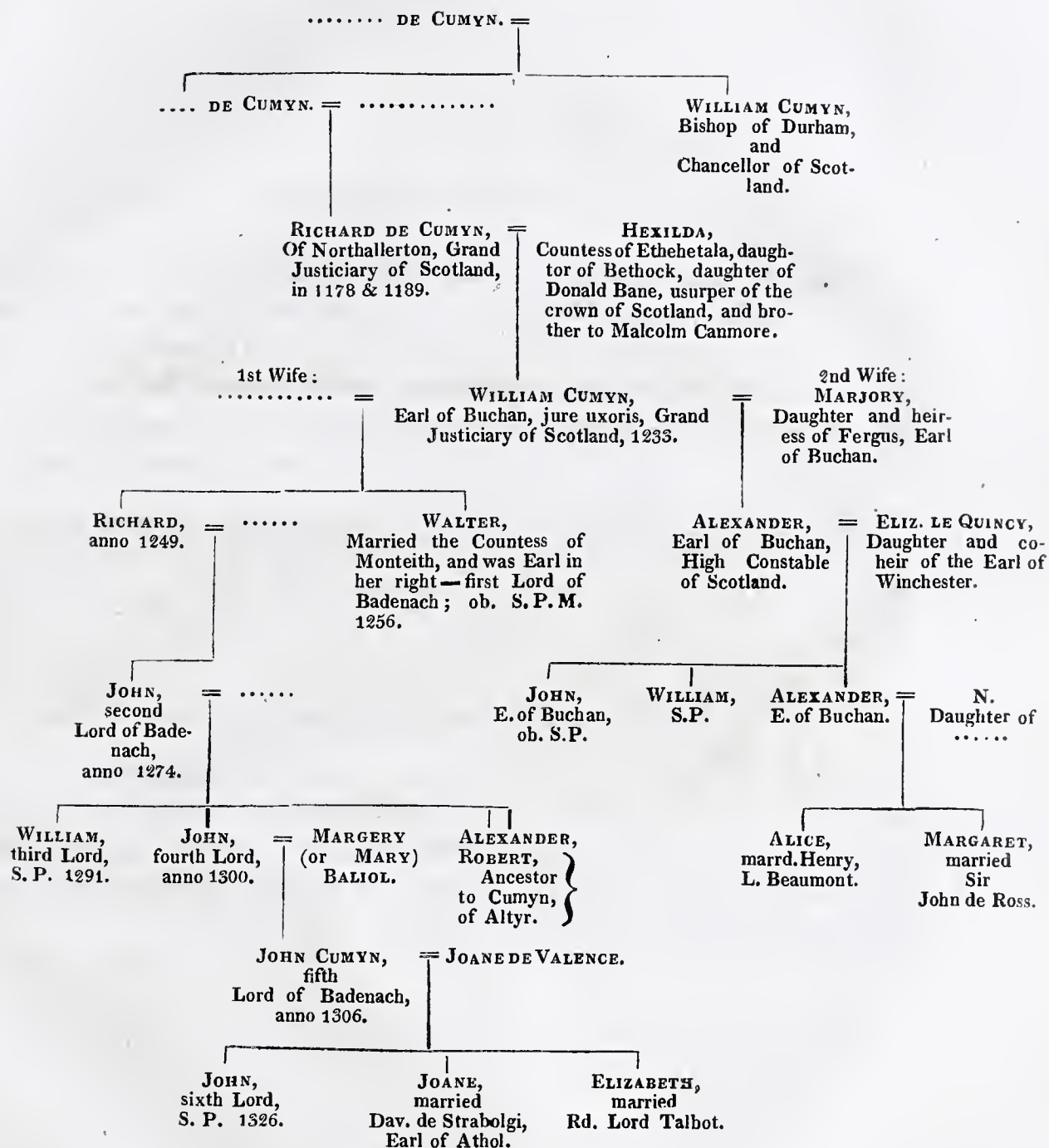
(a) In the 11 Edw. III. he released to Sir John Poultney, Lord Mayor of London, his interest in the manor of Penchester, &c., in Kent.—Claus. Rot. 11 Edw. III. m. 26. dorso.

(b) By the description of Stephen de Columbers, (Clerk) brother to the said Philip, he released to the aforesaid Sir John Poultney, his interest in the manor of Penchester, &c.—Claus. Rot. 12 Edw. III. p.3.m.'5.

COMYN OF BOGHAN AND BADENACH,

p. 54 & 55.

The unconnected account given by Dugdale of this eminent family, as also the equally imperfect statements of Douglas and Crawford, in their history of the peerage of Scotland, has induced a belief, that the following genealogy may be found somewhat nearer the point of correctness; though, at the present day, so far as any inheritable honour is concerned, the discrepancy between the several authors may not be a subject of any great interest to endeavour to reconcile.



DAGWORTH—p. 279.

This family had its name from Dagworth, in the hundred of Stow, in the county of Suffolk, where Walter de Aggeworth, or d'Agworth, held lands in the time of king John. By the marriage of John Dagworth with Maud, one of the sisters and co-heirs to Simon del Exchequer, he acquired the office of usher of the Exchequer,* which office had been granted in fee by king Henry II. to Roger de Warenguefort, to hold the same as amply as any other held it in the time of Henry I.†

* Madox
Excheq.
p. 718.

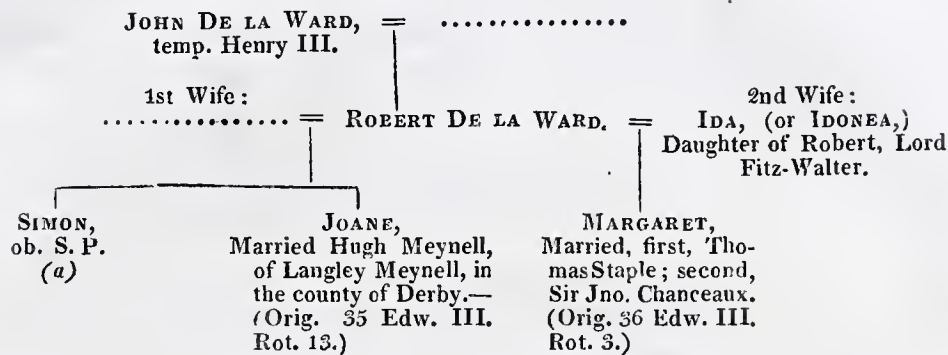
† Chart.
Antiq.
I. in Dorso.
n. 25.

Thomas de Dagworth, the son of John, and nephew, not *grandson*, of lord Peyforer, (sister to Maud, and another of the co-heirs to Simon del Exchequer,) at his death left Alianor, his wife, surviving, who was widow of James, the first Butler, earl of Ormond, and daughter of Humphry Bohun, earl of Hereford; by which lady he had a daughter, Eleanor, who married Walter lord Fitz-Walter.

Nicholas de Dagworth, the successor to Thomas, at his death in 1401, was buried at Blickling church, in Norfolk,‡ leaving Thomasine, his sister and heir (or co-heir), who married William lord Furnival: his wife, whom he left surviving, was Alianor, daughter of Walter, and sister and co-heir to sir John Rosale, of Shropshire, knight.

‡ Hist. of
Norf. V. III.
p. 68,
S. Erp. H.

DE LA WARD—p. 285.



(a) An Entry in the College of Arms by J. C. Brooke, Somerset Herald, (No. 8,) makes this Simon, and his sister Joane, to be the issue of Robert De la Ward, by Ida Fitz-Walter.

DINAN OR DYNHAM—p. 288.

Francis Thynne, in his catalogue of lord treasurers,* states, that John * P. 1254.
lord Dynham died 16 Hen. VII., on the 30th of January, anno 1500, and was buried in the Grey-friars, London; that he married Elizabeth, daughter of the lord Fitz-Walter, and had George and Philip, and four daughters, Margaret, Joane, Elizabeth, and Catharine; of which, Margaret was wife of sir Nicholas, and not sir John Carew.

Also, that he had a natural son, sir Thomas Dinham, who married one of the daughters and heirs of sir John Ormond, which Thomas was buried at Ashbrigge, near Berkhamsted.

At Radnage,† in Buckinghamshire, is the following monumental inscription.

“Here lieth William Syer, preacher of God’s worde, late parson of Radnage, who took to wife Jane, daughter of George Dynham, son of sir

†Vide Langley’s Hund. Desb. Co. Bucks. p. 364.

Thomas Dynham, knight, son and heir of John lord Dynham ; and departed this life the 3d day of August, A. D. 1605."

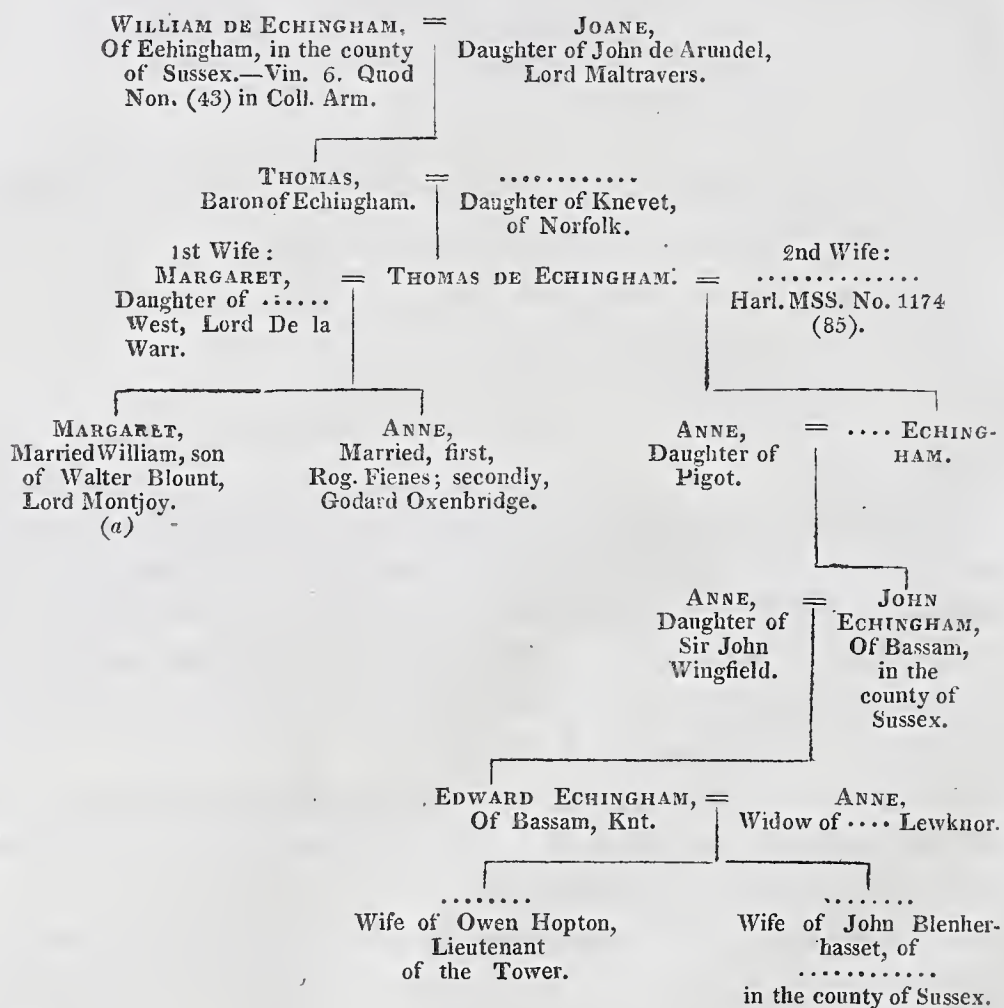
* Vol. II.
p. 362.

Collinson, in his History of Somersetshire,* asserts, that John lord Dynham, by Elizabeth Radcliffe, had a son, Henry, who died S. P.

† Vol. I.
p. 284.

In Lysons's Environs of London,† George, son of John lord Dynham, is mentioned to have died in 1487 ; Philippa, his daughter, in 1485 ; and that there was formerly a tomb in the chancel of Lambeth church.

ECHINGHAM—p. 291.



(a) The Harleian MS. differs from Vincent, and states her to have married, first, Edward Blount; and secondly, Sir John Elrington. These daughters were co-heirs to their mother, but not to their father in the barony of Echingham.

FITZ-GEROLD—p. 81.

At line 10 from the top, instead of *a former wife*, read, *a former husband*, *William Fitz-Duncan*; and in the last line of the said page, instead of, *widow of Baldwin de Redvers earl of Devon*, read, *widow of Balwin de Redvers, who died in the life-time of his father, the earl of Devon: for the said Margaret never was countess.*

GRANDISON(^c) — p. 330.

The account of this eminent family, by Sir William Dugdale, having been rather incorrectly given, the following statement from Leland* may tend to explain and set forth the descent in a more clear and satisfactory manner:—

* Vol. III.
p. 66-7.

Ex Tabula quadam de Genealogia Joannis Grandisoni
epī, Exon.

Hic erat filius Gul. Grandisoni de genere imperatoris, qui frater fuit nobilissimi Dñi Othonis de Grandisono in Burgundia diocesis Laucenensis ubi Castrum de Grandisono est situm firmis saxis.

Mater istius episcopi erat Dñā Sibilla filia & semiheres Domini Joannis Tregoz decora, Dñi Castri de Ewyas Herefordiam juxta, ubi terras, Dominia possidebat & castra.

Qui Tregoz fuit filius Dñæ Julianæ sororis S^{ci} Thomæ de Cantilupo epī Herefordensis.

(^c) Arms of Grandison were — Paly of six A. & B. on a Bend G. three Eagles, Or.

Idem Joannes Grandison habebat quatuor fratres germanos nobiles, Petrum & Othonem milites, Thomam ac Gulielmum clericos spirituales, temporalia & spiritualia strenue regentis.

Insuper idem episcopus quatuor sorores habebat, Agnetam quæ Dño Joanni de Norwode nubebat, Mabillam secundam Dñs Joannes de Pateshul ducebat, qui multos viriliter bellando devincebat. Matildam tertiam Monialem ac priorissam de Acornebyri, et vitam semper devotissimam. Catarinam quartam Dño Gulielmo spetiosam de Monte acuto comiti sic Sarum nuptam, de qua duos filios cito progenuit, Gulielmum qui unicam filiam maritavit Dñi Edmundi nobilis comitis tunc Cantia^v, fratris Edwardi Regis utentis tunc coronam Angliæ: Edwardus Rex a conquestu 2. erat iste.

Joannes secundus filius audacitatis miræ Dñi Thomæ de Monthermer uniam filiam duxit, cujus mater Joanna comitissia Glouerniæ fuit soror prædicti Edwardi Regis militiæque floruit.

Ex eadem Catarina Gulielmus 3. filias genuit. Prima erat Elizabetha formosa vocabatur. Dño Egidio de Badelesmer statim maritatur; et post mortem illius Dño Hugoni Spenser sponsatur. Qui in suis actibus militiosus vocabatur. Secunda filia nomine vocata Sibilla Edmundo filio & hæredi libere fuit data comitis Arundeliæ & tertia Philippa, Rogero de Mortuamari quam cito conjugata.

Obiit Joannes Graunson præsul Exōn a^o milleno ter centeno sexageno undeno.

HASTINGS, OF GRESSING-HALL—p. 338.

* Ex Genealog. per F. Thynne, p. 472.
† Hist. of Norf. Vol. VIII. p. 73, 8vo. edit.

Hugh Hastings, the son of John lord Hastings, by his second wife, Isabel Despenser, married Margaret (or Margery), daughter and heir, according to some,* and according to others, sister and co-heir to sir Richard Foliot, of Gressing-hall, in Norfolk,† grandson of a former Richard, by Margery, (or Margaret,) sister and heir to Robert de Stuteville.—She died in 1349,

and was interred in the chapel of Fornewell.*—He died in 1347, and was buried at Elsing, in Norfolk; where, in the east window of the chancel, are the portraitures of himself and wife; and in the chancel is a marble gravestone, with a rim of brass, much impaired, having the portraiture of a knight in complete armour; and under an inscription, setting forth that the church had been *wrowt* by “*Howe de Hastyng, and Margaret, his wyf.*”

* F. Thynne,
ut antea.

Hugh, their son, married Margaret de Everingham; he died in 1369, and was buried at Doncaster, having had issue† a son, Hugh, and two daughters, of which, one married—Wingfield; and the other—Elmham.

† Ibid.

Hugh Hastings, the third, married Anne, daughter of Edward lord Spenser, (which lady remarried with Thomas lord Morley.)—She died in Spain, having had issue two sons, Hugh and Edward; of these—

Hugh Hastings, the fourth, married a daughter of sir William Blount, but died at Calais in 1395,‡ without issue, leaving Edward, his brother and heir, from which

‡ Ibid.

Edward Hastings, descended another Hugh, whose son and heir, John, died S. P. 35 Hen. VIII., leaving his two sisters his co-heiresses;§ whereof, Anne married William, a younger son of sir Anthony Browne, K. G. (father of Anthony, the first viscount Montague), and had Elsing and Weasenham, in Norfolk, as her part of the inheritance.

§ Hist. of
Norf. ut
antea.

Elizabeth, the other sister, married Hamon, son and heir to sir Nicholas Le Strange, of Hunstanton, who had with her, the lordship of Gressing-Hall.

HILTON—p. 342.

Whatever barony was created (if any) in this family, by the writs of summons of the 6th, 7th, 8th, and 9th Edw. III., must have descended on the heir general, who, most probably, is a very different person to the party now in possession of Hilton castle. The owners of that castle have, however, most certainly been reiteratedly denominated barons of Hilton, meaning thereby lords, of that very ancient feudal possession. No Baronagians have attributed a parliamentary dignity to this family, subsequent to the

writs of summons, before mentioned. Yet there is extant, a parliamentary record *posterior to the reign of Edw. III.*, which, among the nobles then present, recites the name of *Le Baron de Hilton*.

INGE.

William Inge, 8 Edw. II. had summons to parliament with the earls and barons of the realm;* but in this writ, the justices and king's counsel were (as before observed in several instances) intermixed with the nobility. He was a great lawyer in his day, and at this period was a justice of the Common Pleas,† and shortly after promoted chief justice of the King's Bench‡. He married Margery, one of the daughters and co-heiresses of Henry Grapenell, and died in 1321§, leaving a daughter and co-heiress, Joanna, who married Eudo le Zouche, who was son and heir apparent to William lord Zouche, of Haryngworth, and died before his father.

* Claus. Rot. in Dorso. m. 35.

† Chron. Jurid.

‡ Ibid.

§ Esch. 15 Edw. II. No. 42.

INGHAM—p. 349.

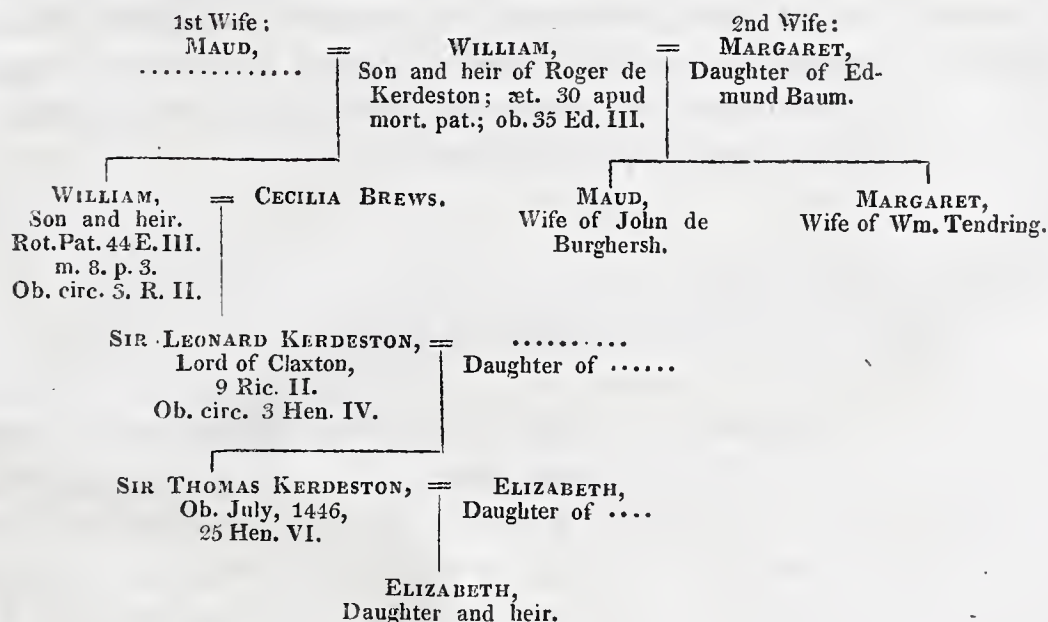
Oliver de Ingham, who died 18 Edw. III. had a son John, who died before him, 12 Edw. III. whereby his two daughters, Joan and Elizabeth, were his eventual co-heiresses. Elizabeth married John Curson, and had a daughter, Mary, who died S. P.|| Joane married sir Miles Stapleton^(d), who, according to Weever,¶ was buried at Ingham; *viz.*—"There lay buried sir Miles Stapleton, and Joan, his wife, daughter and heir of sir

|| Orig. 18 Edw. III. Rot. 19, Norf.
¶ Weever's Fun. Mon. p. 861.

^(d) He is said to have been her second husband, and Roger le Strange, of Knokyn, her first; but as Stapleton's issue had Ingham manor, it seems more likely that he was the first husband; and particularly as Dugdale says, that Roger le Strange left *Maud his wife surviving*.

Oliver Yngham ;—sir Miles, son of the said sir Miles ; and Ela, his wife, daughter of Ufford, sir Brian Stapleton, son of the second sir Miles ; and his wife, the daughter of the lord Bardolf ;—sir Miles, son of sir Brian, and Dame Katharine, his wife, daughter of sir — Potts, and after married to sir Thomas Sackville, which are likewise here buried ;—dame Jone Plase, daughter of sir Miles Stapleton ;—dame Ela Pierpoint, which had two husbands ;—Edmund Stapleton and his wife, daughter of Clifton.

KERDESTON— p. 350.



LANVALLEI— p. 112.

After *Margery*, a nun at *Chicksands*, at line 8 from the top—add, *viz.*

Hasted, in his History of Kent,* states, that the said Margery married sir Stephen de Penchester, and had two daughters, of whom Joane married

* Vol. VI.
p. 84,
8vo. edit.

Henry de Cobham, of Rundall ; and Alice married John de Columbers ; on the death of sir Stephen de Penchester, she remarried with Robert de Orreby, by whom she had a son, John de Orreby, clerk. She died about 2 Edw. II.*

* Esch.
2 Edw. II.

LASCELS—p. 356.

Roger de Lascels, lord of Kirkby, Escrick, &c. in the county of York, died shortly after his last writ of summons, leaving Isabel, his wife, surviving, who was daughter and heir of Thomas Fitz-Thomas, and died 16 Edw. II. By her he had issue four daughters, his co-heiresses ; of these, Matilda married, first, Robert de Hilton ; and, secondly, sir Robert Tilliol ;—Theophania married Ralph Fitz-Randolf ;—Joanna was wife of Thomas de Culwen ;—and Avicia (whose marriage settlement bears date 10 Edw. I.) wedded sir Robert le Constable, of Halsham.

LUVEINE—p. 366.

After *widow of Richard de Cornhill*, note, “ that the said widow fined two hundred marks to the king, to have licence to marry according to her own pleasure, but not *Godfrey de Luveine* ;” the said Godfrey, however, fined in *double the amount* (four hundred marks) † to marry her, and have her lands, if she could shew *no good reason for refusing him*. In this record, she is called relict of *Ralph*, and not *Richard de Cornhill*.

† Mag. Rot.
2 Joh. Rot.
3, 6, Ess.
and Herts.

MALET—p. 127.

At line 8 from the top, after the words *had issue*, read, *viz.* a son, William, sirnamed de Fortibus, who married Maud, daughter and co-heir

of William Ferrers, earl of Derby, by his first wife, Sybilla, daughter and co-heir of William Marshall, earl of Pembroke; which Maud was widow of Philip de Kyme.—The said William de Fortibus, by Maud de Kyme, had four daughters.

MARMION—p. 131.

At line 4 from the bottom, after *had a son*, erase *John, who died S. P.*, and read, *viz.*

Thomas de Ludlowe, who, by Catharine, his wife, left an only daughter and heir, Margaret.*

* Originalia,
10 Edw. III.
Rot. 11.

MARTIN—p. 370.

By a public record† it appears, that William Martin, lord of *Camois*, or *Kemeys*, had a son and heir, named Edward, for whom he obtained the king's licence to marry Jonetta, daughter of John lord Hastings; the like licence, he also had, that Alianor (or Eleanor), his daughter, might marry William, son and heir of the said John lord Hastings.

† Pat. Rot.
25 Edw. I.
pars 2, m.2.

The aforesaid Edward is not noticed in the Martin family by Dugdale. At line 5 from the bottom, *William*, should be read *Philip* de Columbers.

MEINELL—p. 372.

Nicholas, grandson of Robert de Meinell, by Agnes, his wife, (and not Emme (daughter of Malbisse), was summoned to parliament among the barons of the realm from the 22nd to 27 Edw. I., when he died, leaving by Christian, his wife,

*Originalia,
27 Edw. I.
Rot. 16.

† Esch.
15 Edw. II.
n. 21.

Nicholas, his son and heir, who the same year had livery* of his inheritance. He had summons to parliament from the 6th to the 15 Edw. II. inclusive, in which year he died† without legitimate issue, John, his brother, being his next heir, and then upwards of forty years of age; which John, by Catherine his wife, (who died 19 Edw. III.) deceased the 23 Edw. III., having had issue a son John, who predeceased him the 5 Edw. III., leaving another John heir to his grandfather; which John dying without issue, his sister Alice was his heir, who married, first, John (or Robert) de Boulton; secondly, sir Walter Boynton, knight; and thirdly, William Percy: by both of which last-mentioned husbands she had issue. Thus the first barony of Meinell became vested in the heirs-general of Nicholas, summoned to parliament 22 Edw. I.

But Nicholas, the son of the said Nicholas, though his brother John was his heir-at-law, had a natural son, Nicholas, by Lucy his concubine, the repudiated wife of William le Latimer; which

‡ Ibid.
16 Edw. III.
n. 47.

Nicholas Meinell had summons to parliament from the 9th to 16 Edw. III., and thereby acquired a new barony, which, on his death,‡ descended to Elizabeth his only daughter and heir, married, first, to John, lord Darcy, and secondly, to Peter de Mauley.

Among other lands, whereof he died seised, was the manor of Whorlton, which he held of the archbishop of York, by the service of being his cupbearer on the day of his consecration.

MESCHINES — p. 136.

According to a correction made by John Charles Brooke, late Somerset Herald, in a note on the account given by Dugdale of this family, he says, that William de Meschines married Cecily, daughter and heir of Robert de Romeley, and thereby acquired Skipton castle. He then *erases* Dugdale's statement, that Cecily, daughter of William Meschines, married Robert de Romeley; and asserts, that the said William Meschines left a daughter and heir Alice de Romeley, who married William Fitz-Duncan.

MORTIMER OF ATTILBERGH—p. 380.

William Mortimer, summoned to parliament the 22nd and 25 Edw. I., died the 1st November, 1297,* having had issue by Alice his wife, Constantine, his son and heir; which

* Esch.
25 Edw. I.
n. 45.

Constantine, at the death of his father, was in minority: he died, according to the History of Norfolk, in 1334, and was interred in Mortimer's chapel; which, if the fact, shows that it was not he who was summoned to parliament the 16 Edw. III. By Sibyl, his wife, he had issue, Constantine, Robert, and Thomas. Of these sons,

Constantine was his successor, and must have been the same who had the writ of summons of 16 Edw. III.: he died without issue, leaving

Robert, his brother and heir, who, by Margery his wife, had two sons, Thomas and Constantine; which last was of Great Elingham, and Bernham, in Norfolk.

Thomas Mortimer, the eldest son, died before his father, having married Mary, daughter of Nicholas Park, (and mother of the famous sir John Falstaff,) by whom he had three daughters, his co-heiresses. Of these,

Elizabeth married, first, Ralph Bigot, of Stockton; secondly, Henry Pakenham; and thirdly, Thomas Manning; and had issue by her first and last husband.

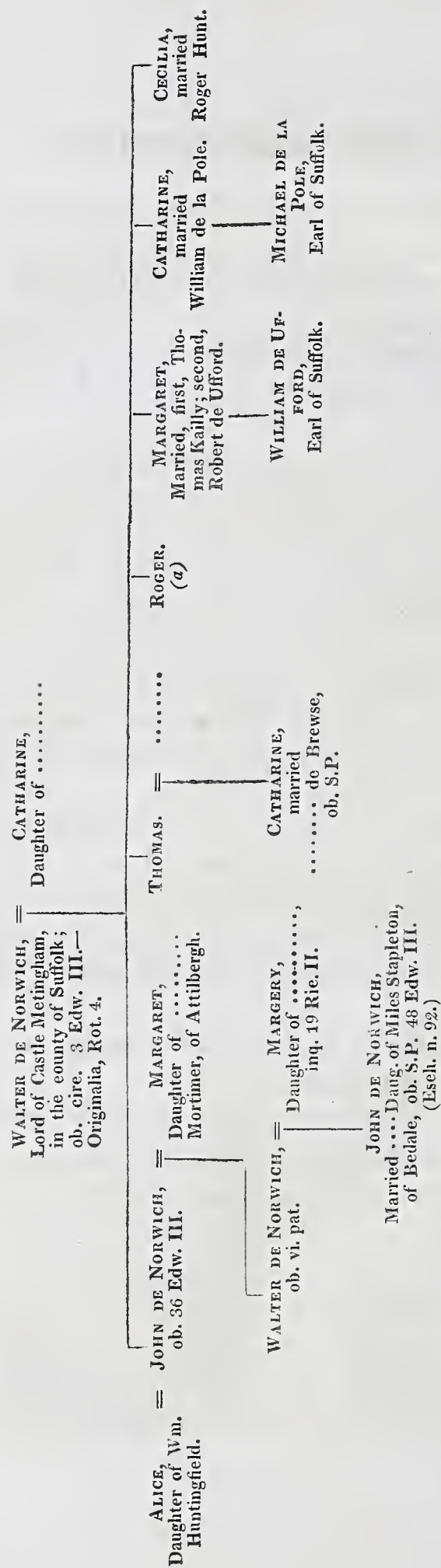
Cecily married, first, sir John de Herling; and secondly, sir John Ratcliffe, by both of whom she had children.

Margery married sir John Fitz-Ralph, whose grandson, another John, left two daughters his co-heirs, whereof Elizabeth was the wife of sir Robert Chamberlayne; and Maud, of sir Robert Conyers.

MUSGRAVE — p. 382.

The heir of this barony is said to be Thomas Davison Bland, esq., of Yorkshire, who can prove his descent, and the sitting of his ancestor, under the writs of summons.

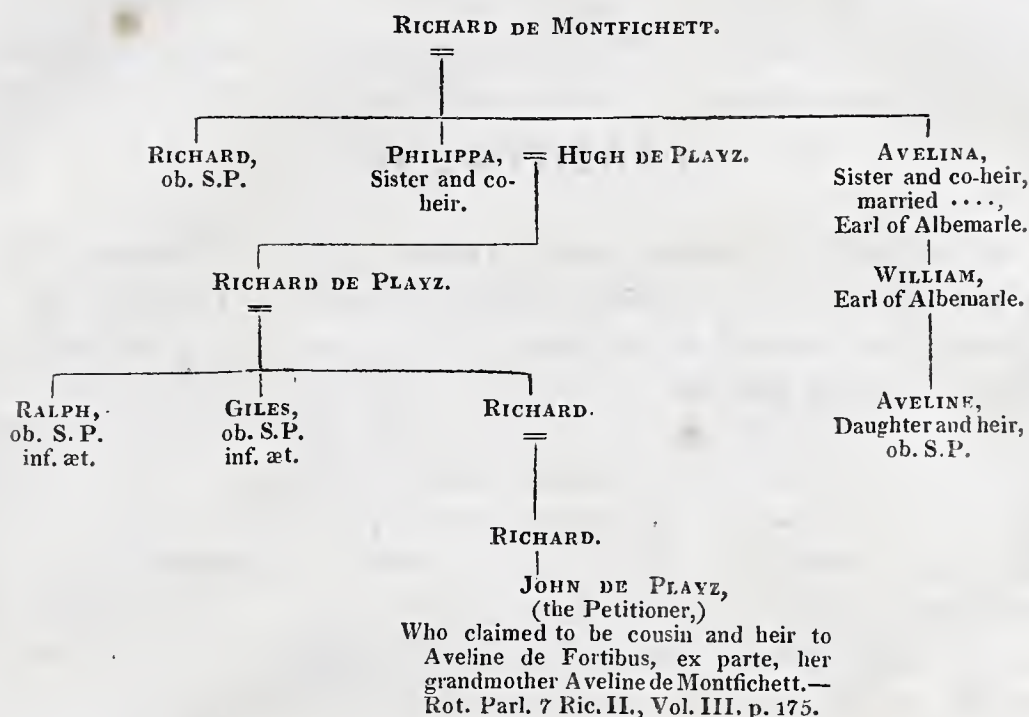
NORWICH — p. 387.



(a) This Roger, circ. 1374, conveyed the Lordship of Kimberley, in the county of Norfolk, to his niece Catharine de Brewse, who, 49 Edw. III., confirmed the grants of her ancestors to Ravensingham College.
By a fine levied between John de Norwich, querent, and others, deforciant, certain manors in Norfolk were settled, after the death of Catharine,

widow of Walter de Norvich, on Sir John and his heirs male; remainder to Thomas, his brother, and his heirs male; remainder to Roger, brother of Thomas, and his heirs male.—History of Norfolk, Vol. VII. p. 88. Ibid. Vol. II. p. 75.

PLAYZ—p. 397.



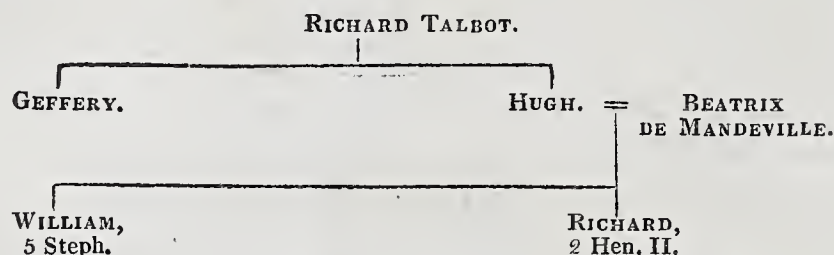
STAPLETON—p. 409.

The various accounts in the printed Baronetages, and among the MS. gealogies preserved in the College of Arms, the Bodleian and Harleian collections, as also in the pedigrees possessed by the representative branches of this eminent family, are so incongruous, as to render it a task of great difficulty to reconcile by public record the discordant statements. It, however, appears most certain, that, exclusively of the writs of summons under which Metham became the heir-general of Milo de Stapleton, who was called to parliament in the reign of Edward II., the intermarriages

with the co-heiresses of the baronies of Ingham, Fitz-Alan of Bedale, and of Beaumont, have given to the house of Stapleton a very pre-eminent distinction in the line of honorial descent; and the more particularly so, as the premier (^e) barony of Despenser is now possessed by the chief member of this house.

TALBOT—p. 178.

In the pedigree of this family, after “Geffery, the son of Richard Talbot,” erase the *line of descent*, which makes him *father of William*, the said line having been omitted by the printer, to be continued from Hugh, the brother of William Geffrey; *viz.*



WILINTON—p. 442.

John de Wilinton had summons to parliament the 3rd, 4th, 10th, 11th, and 12 Edw. III.,* as had his son Ralph the 16th of the same reign.†

* Dugd.
Lists of
Summons.
† Ibid.

(^e) It is contended, that the barony of Ros (or Roos) is before that of Despenser; but no proof of sitting under the writ of 49 Hen. III. can be adduced in favour of Ros; while the sitting under that writ by Despenser, is the more conclusive, as he was at that time chief justiciar of England, chosen *by the barons themselves*; and, therefore, cannot be considered to have been absent.

Lysons,* in his *Magna Britannia*, (citing *Escheat Roll*, 20 Ric. II., and *Escheat*, 2 Hen. VI.) asserts, that John de Wilinton held the manor of Shrivenham-Stalpits, in Berkshire, temp. Edward II. which after the death of Ralph, lord Wilinton, passed circ. 1399, by an heir-female to the Beaumonts.

* Lysons's
Berks, p.
365.

The late marquess of Townsend, (who was esteemed an excellent genealogist) used to consider his friend Ralph Sheldon, esq. a co-heir to this barony, provided a sitting under the first writ could be established.

WINDSOR — p. 444.

At line 22 from the top, after *without issue male*, add—

Dugdale, in his *Warwickshire*, says,† his daughters became his heirs, whereof Joane, the elder, married Robert Skerne, of Kingston-upon-Thames, who, in her right, possessed Compton-Murdock, in that county. But against this account, Collins, in his *Peerage History of the Plymouth family*, states, that he died 15 Sept., 8 Ric. II.,‡ leaving his three sisters his heirs; *viz.* Isabel, aged 38; Christian, wife of sir William Morleux, 34; and Margery, wife of John Ducket, 32. Yet, if this be the fact, then sir William Windsor, and sir James, the ancestor of the earl of Plymouth, could *not be brothers*, at least by the same mother.

† Dug. Ant.
Warw. p.
435.

‡ Esch.
8 Ric. II.

Nicholson and Burn, in their *History of Cumberland and Westmoreland*,§ deduce the descent of this William very differently from Collins, and represent that he left an only daughter and heir, Margery, who, in the reign of Richard II., married John Ducket, esq., descended from Richard Ducket, of Fillingham, in the county of Lincoln, esquire. Whether he had issue, is a point material only as to the descent of the barony, or its extinction for want of issue.

§ Vol. I.
p. 111.

In respect to what Dugdale recites, it appears from the will of Alice Perers, that she had a son John, and a daughter Joane, which last seems to have had Murdock manor, by virtue of some settlement. But these were the issue of Alice by some other father, though the name of any prior

husband is not noticed, unless it may be considered that the name of Perers was acquired from him.

WOLVERTON— p. 196.

After the last line, preceding the under note, add—

* Esch.
25 Edw. III.
n. 6.

† Originalia,
25 Edw. III.
Rot. 1.
Bucks.

‡ Lysons's
Bucks, p.
668.

This family became extinct in the male line, temp. Edward III. : when, by the death of Ralph, son and heir of John de Wolverton,* without issue, his sisters became his co-heirs; one of whom, Margery, married John Le Hunt,† by whose daughter and heir Joane,‡ the manor of Wolverton came to John Longueville, who died in 1439; which John had issue sir George Longueville, who, to his first wife, married Elizabeth, second daughter and co-heir to Thomas de la Roche; and to his second wife, Margaret, daughter of John Sutton, lord Dudley.

APPENDIX TO VOL. II.

ADDITIONS AND EMENDATIONS.

ABERGAVENNY—p. 2.

At line 9 from the top, instead of, *whom Henry II.*, read, *viz. whom Maud, the empress, daughter of Henry I., created earl of Hereford.**

* Vide Hereford.

ALDITHLEY or *AUDLEY*—p. 6.

On a brass plate, fixed on an altar tomb, in the nave of Audley church, in the county of Stafford, is the following inscription; *viz.*

“ Icy gist Mons. Thom's D'Audley fra Mons. James D'Audéle Seign. de Helegh de Rouge Chastell qi' moruit le xxiv de Januar' l'an de gra M^o ccclxxxv.”

Above the inscription, on a distinct brass plate, is the figure of a knight in armour.

BEAUCHAMP OF HACHE — p. 36.

In 1304, John de Beauchamp founded and endowed a college, or chantry, at Stoke-under-Hamden, in Somersetshire, for five chaplains to pray for the souls of John, lord Beauchamp, his father, and Cecilia, his mother; Robert, his brother, the lady Joan, his wife, and their children; and for Alianor and Beatrix, his sisters; and for all his relations and friends; dated * at Barewell, 4 nones Octobris, 1304.

* Ex Regis.
John de
Droghda-
ford, Ep.
B. & Wells.

BERNERS — p. 50.

† Weever's
Fun. Mon.
p. 323.

Weever,† in his Funeral Monuments, recites the following inscription, at Sevenoke, in Kent; *viz.*

“ Orate pro anima Edwardi Bourgchier filii et hæredis Thomæ Bourgchier militis filii Johannis Dñi de Berners et pro anima Domine Agnete uxoris dicti Thomæ Bourgchier, filie Thomæ Carleton militis, qui quidem Edwardus obiit 24 Aug. 1496.”

The barony is at present under claim by the Wilson family; and the order of reference, from his Majesty to the Attorney-general, has been taken into consideration, evidence heard thereon, but no report as yet made;‡ though, most probably, it will be to the Lords' Committees of Privileges.

† *i. e.* Aug.
1824.

BOTREAUX — p. 56.

Under an arch, in the north wall of the chancel of the church of Aller, in

Somersetshire, lies the effigy, in armour, of sir Reginald de Botreaux, knight; and near it, on an upright stone, is this inscription:—

“ Hic jacet Reginaldus filius Wilhelmi Domini de Botreaux, qui obiit xxx^o die mensis Julii Anno Domini Mccccxx^o. ”

In the church-yard is also a mutilated effigy, supposed to be another of this ancient and noble family.

BOURCHIER — p. 59.

Sir Hugh Stafford, who had the title of lord Bouchier, gave to John Bromley, esq., an annuity of 40*l.* per annum, for recovering the standard of Guienne, at the battle of Corbie, anno 1415; on which occasion, his deed was sealed with his arms; *viz.* in his shield, a Chevron charged with a Mullet; his crest, a Swan's Head, coupé, between two wings displayed out of a crown, supported by two Greyhounds; about the shield was engraven “ *Signa Hugonis de Stafford militis.* ”

BRAY — p. 60.

John, lord Bray, died, after his return from the taking of St. Quintin, at the age of thirty. He died at the late Black Friars, in London, the 18th November, 1557, and was buried at Chelsea, in the chancel, with his father,* and grandfather. There was a portrait of him at Stoke (*i. e.* Stoke D'Abernon), on which was inscribed, *Ætatis suis xxxiii.*

* Weever,
p. 523.

BUTLER OF WEMME — p. 81.

After 12 *Hen. IV.*, add—By her will, dated in 1410, she desired to be

buried in the church of St. Mary, within the college of St. Crux, (nunc Crutched Friars,) in the city of London; where her last husband, sir Thomas de Molinton, styled *Baron of Wemme*, by his will dated in 1408, also desired to be interred; where Robert Molinton, and Elizabeth his wife, daughter of Ferrers of Oversley; and Lionel Molinton, son of Robert, were likewise inhumed.*

* Maitland's
London,
V. II. p. 782.

CLIFFORD — p. 98.

In the table of descent of this family, in the issue from Thomas, earl of Thanet, read,—

Mary married, first, Anthony, son of Henry, duke of Kent; and secondly, John, earl Gower, to whom she was third wife.

CLIFFORD BARON CLIFFORD — 3 Car. I.

Upon the death of George Clifford, earl of Cumberland, without issue male, the said earldom devolved upon Francis his brother, as next heir-male; but the said Francis nevertheless was not intitled to the ancient barony of De Clifford, which was legally descended to his niece the lady Anne, sole daughter and heir of his elder brother, the aforesaid earl George; but the said earl Francis, having a son Henry, his heir-apparent, this

Henry Clifford, in the lifetime of his father, was, by writ dated the 3 Cha. I., summoned to parliament, as lord Clifford. On this occasion, there can be no doubt but the crown issued the writ of summons upon the principle, that the barony, by the name of which he was so summoned, was then vested in his father; but this afterwards proving to be a mistake, the House of Lords was under the necessity to admit that the writ operated *as a new creation*.

This Henry, lord Clifford, succeeded his father as earl of Cumberland, and left issue an only daughter, Elizabeth, who married Richard Boyle, earl of Cork, and conveyed into that family this new barony of Clifford; which now, by the heir-general of Boyle, (afterwards earl of Burlington,) has descended to the house of Cavendish, duke of Devonshire.

CLINTON— p. 102.

At line 13 from the bottom, instead of *the barony of Clinton descended to his surviving sister*, read, viz. *The style and name of the barony was used by his surviving sister Margaret, during her life.* But this was an assumption not founded upon the law of the case; for though the barony had been given to her brother, *and his issue*, yet he having died *without issue*, the same could not devolve upon the sister, as a right, but fell again *into abeyance*; in which respect, she was one of the co-heirs.

COBHAM— p. 106.

From an ancient MS.,* it appears that the family of sir John Oldcastle, lord Cobham, was of the county of Hereford.

* Penes
Auctore.

“ Peter Oldcastell of the Ould Castell within the County of Herreford Esquyer—ab eo John—ab eo Richard Knight—ab eo Joannes noster. He had 3 wives and issue by two of them, viz. by his 1st. two sons, and 2 daughters—by the 2nd. none—by the 3rd. a daughter only.”

Upon a gravestone in the middle of the great chancel in Ash church, Sandwich, Kent, was an incription to the memory of Roger Clyderow, and his wife, daughter of sir John Oldcastel; and also a fair monument for sir John, in the said church of Ash. Sir Thomas, uncle to sir John, the 10th and 15 Ric. II. was sheriff of Herefordshire.

At page 110, and at page 112, in the pedigree of Cobham, read,—Frances Sondes married sir John Leveson, who had issue sir John and sir Richard, which last married lady Katharine Dudley, but died S.P.; and sir John had issue two daughters, Christian and Frances, his co-heirs.

DARCY— p. 149.

After the conclusion of the account of this family, at this page, add, *viz.*

* Collins's
Eng. Peer.
Darcy Fam.

† Gent. Mag.
Aug. 1805,
p. 703.

James Darcy, a younger brother to Conyers, first earl of Holderness, was of Sedbury, near Richmond, in the county of York. He married Isabel, daughter of sir Marmaduke Wyvill, bart., and according to Collins,* had a son James, aged fifteen, in 1665, who married Mary, daughter of sir William Hickes, bart., and was succeeded by Henry Darcy, esq., high sheriff of Yorkshire, in 1742, whose daughter and heir, Maria Catharine, married sir Robert Hildeyard, of Wynestead, in the county of York, bart. But by a more recent statement, communicated to the Gentleman's Magazine,† it is there represented, that James, the son of the before-mentioned James Darcy, of Sedbury, was created baron of Navan, in Ireland, in 1721, and died without issue-male in 1733, when the title became extinct. By Bertha, his wife, daughter of George Payler, esq., of Nun-Monkton, he had, however, female issue, whereof Mary, his eldest daughter, married William Jessop, esq., of Broomhall, in Sheffield, and had a son, James Jessop, who took the name of Darcy, and died without issue; whose eldest sister and co-heir, Barbara, married Andrew Wilkinson, esq., whose last surviving son and heir, the Rev. James Wilkinson, died about 1805.

The omission in Collins of this Irish barony, as appertaining to a branch of the Holderness line, has induced this notice, as his account of this James Darcy, of Sedbury, so particularly is at variance with that of the correspondent to the Gentleman's Magazine.

‡ Beatson's
Polit. Inst.
Irish Peer.
Creat.

It is to be observed, that Beatson says, it was‡ the honourable *John Darcy*, a younger son of the earl of Holderness, who was created baron Darcy, of Navan.

DE LA POLE—p. 156.

At line the 11th from the bottom, after the words, *had his head cut off on the side of the cock-boat*, read, by way of note; viz. Shakespear,* in his animated scene of this duke's assassination, makes him boast of his royal blood, thus: "*Obscure, and lordly swain, king Henry's blood, the honourable blood of Lancaster, must not be shed by such a jaded groom.*" Here our immortal bard has fallen into an egregious genealogical error, which it is rather singular that none of his numerous commentators should have noticed.

* Shakesp.
Henry VI.
Part. II.
Act. IV.

The truth is, that the duke had no Lancastrian descent in him, it being *his son*, John de la Pole, duke of Suffolk, who married Elizabeth, the daughter of Richard Plantagenet, duke of York, and sister to king Edward IV., to Richard III., and to George, duke of Clarence; which John de la Pole was not of the blood of sir Richard Pole, who married the countess of Salisbury, daughter of George, duke of Clarence, which Margaret was niece of the wife of the aforesaid John de la Pole, duke of Suffolk, and, consequently, the blood of Lancaster did not begin to flow till the time of John de la Pole, the unfortunate earl of Lincoln, who was the grandson of the assassinated duke.

DESPENSER—p. 167.

At line 9 from the top, after the word *traitor*, read, as a note; viz.

If this lord Despenser was attainted in parliament, and the said attainder never reversed, it may be questioned, whether king James, by his letters patent to lady Mary Fane, could convey the *ancient precedency*? for such patent, without the sanction of parliament, could not operate as the restitution of a forfeited honour.

In this view of the case, it remains to be considered, whether any thing beyond a new creation could be taken under the said letters patent?

This subject might be agitated on a question of precedency, between Despenser and Audley, or any other barony over which it at present assumes priority of rank.

FERRERS OF CHARTLEY—p. 184.

Add to the last line of this page,—

It is rather a curious coincidence, that by reason of certain family entails, the earl of Leicester, (who, by the death of his father, became afterwards marquess Townshend,) stood seised in possession of the barony of Ferrers of Chartley, and of the castle of Tamworth, as heir-general to two branches of the Ferrers family: yet, earl Ferrers owns the castle and honour of Chartley, without being the parliamentary baron;—at the same time, the earl Ferrers is viscount Tamworth, but not proprietor of that castle of antiquarian fame.

FITZ-HUGH — p. 199.

At line 8 from the top, after *eight sons*, add; *viz.* Henry, who was drowned; John, who died young, and was buried at Kyrkeby-Ravenswath; William, who became lord Fitz-Hugh; Geffery; Robert, who was bishop of London; Ralph, died in France, and was buried near Meaux; Herbert and Richard, died both in their youth, and were buried at Ravenswath.

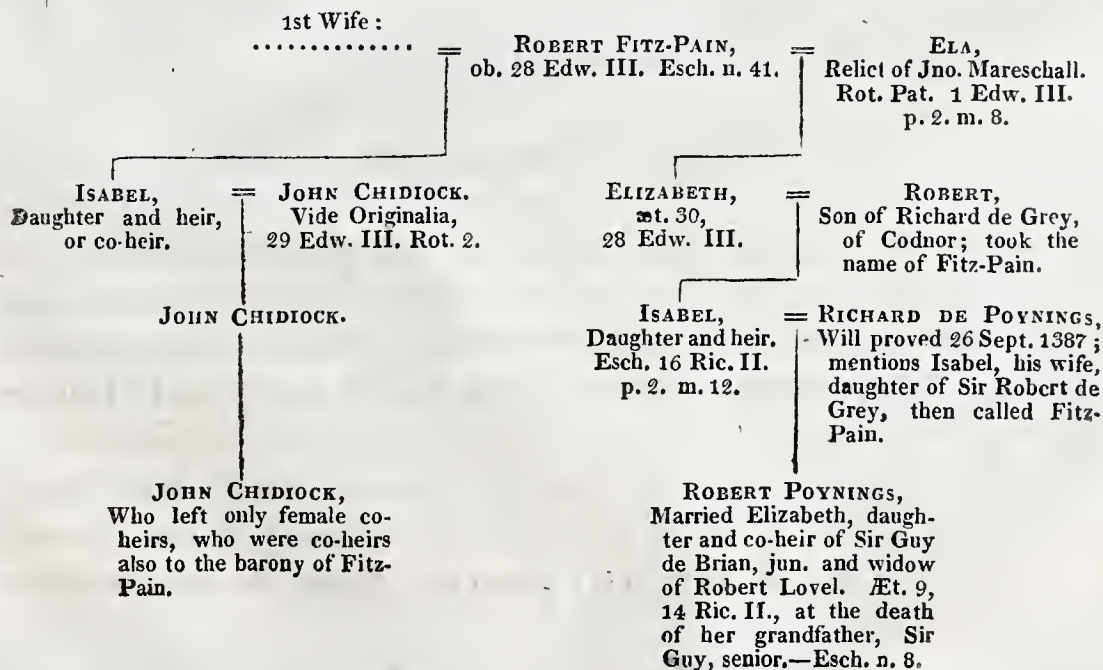
The seven daughters were—Elizabeth, Alianor, Maud, Lora, Lucy, Margery, and Joan; all which children are mentioned in the aforesaid order, in a very ancient MS., now remaining among the records of the Tower of London.

FITZ - PAIN — p. 204.

Upon the death of Robert Fitz-Pain, 28 Edw. III., it appears,* that he was seised of the manors of Ockford Fitz-Pain, Cheddon, Chelburg, and divers others in the counties of Dorset and Somerset. These, for the greater part, seem to have been settled on him, and Ela his wife, as before mentioned: but this Ela must have been a second wife; for the record states, that, 29 Edw. III.,† Isabel, daughter and heir of Robert Fitz-Pain, and wife of John Chidiock, had livery of the manor of Chelburgh, and of other lands in Dorsetshire and Somersetshire; which intimates a very different descent to that given by Dugdale of the heir-general of this family, and which may be probably elucidated by the following table:—

* Esch.
28 Edw. III.
n. 41.

† Original.
29 Edw. III.
Rot. 2.



FITZ-WALTER — p. 207.

After the word *died*, in the 7th line from the top, read, by way of note; *viz.*

* Vo.I. p.7. Blomefield, in his History of Norfolk,* says, that Robert Fitz-Walter did not die the 19 Edw. II., but that he renounced the world, and became a friar at Colchester, which convent he himself had founded in 1309, and the respent the rest of his days. “Frater dñs Robtus Fitz-Walter, Baro, Fundator Conventus Colcestriæ, intravit ibidem ordinem anno dñi 1325.” But notwithstanding he took the cowl, in 1325, 18 Edw. II., it does not follow, that he did not die in the ensuing year, 19 Edw. II., when the inquisition was taken.†

† Esch.
19 Edw. II.
n. 99.

At line 10 from the top, after *a daughter Christian*, add, He had also a son Walter, born at Henham, who was heir to his grandfather, John de Burgh, but deceased in the lifetime of his father, having had issue by Joane, his wife, daughter of John de Engayne, a son Walter Fitz-Walter, who married Joane, daughter of John de Botetourt,‡ and died in the lifetime of his grandfather, (1291) S.P.

‡ Rot. Pat.
33 Edw. I.
m. 13.

Of Maud (or Matilda), daughter of Robert Fitz-Walter, the general of the army of the barons in the time of king John, the legend says, that the said monarch having made various attempts upon her Lucretian chastity, caused her at last to be poisoned at Dunmow-priory, that she might not report his infamous conduct to her father, who was then in France. The story is generally agreed to be false; but yet it is one which has obtained much popular credit, and has been made the subject of two of Drayton’s “Heroic Epistles.”

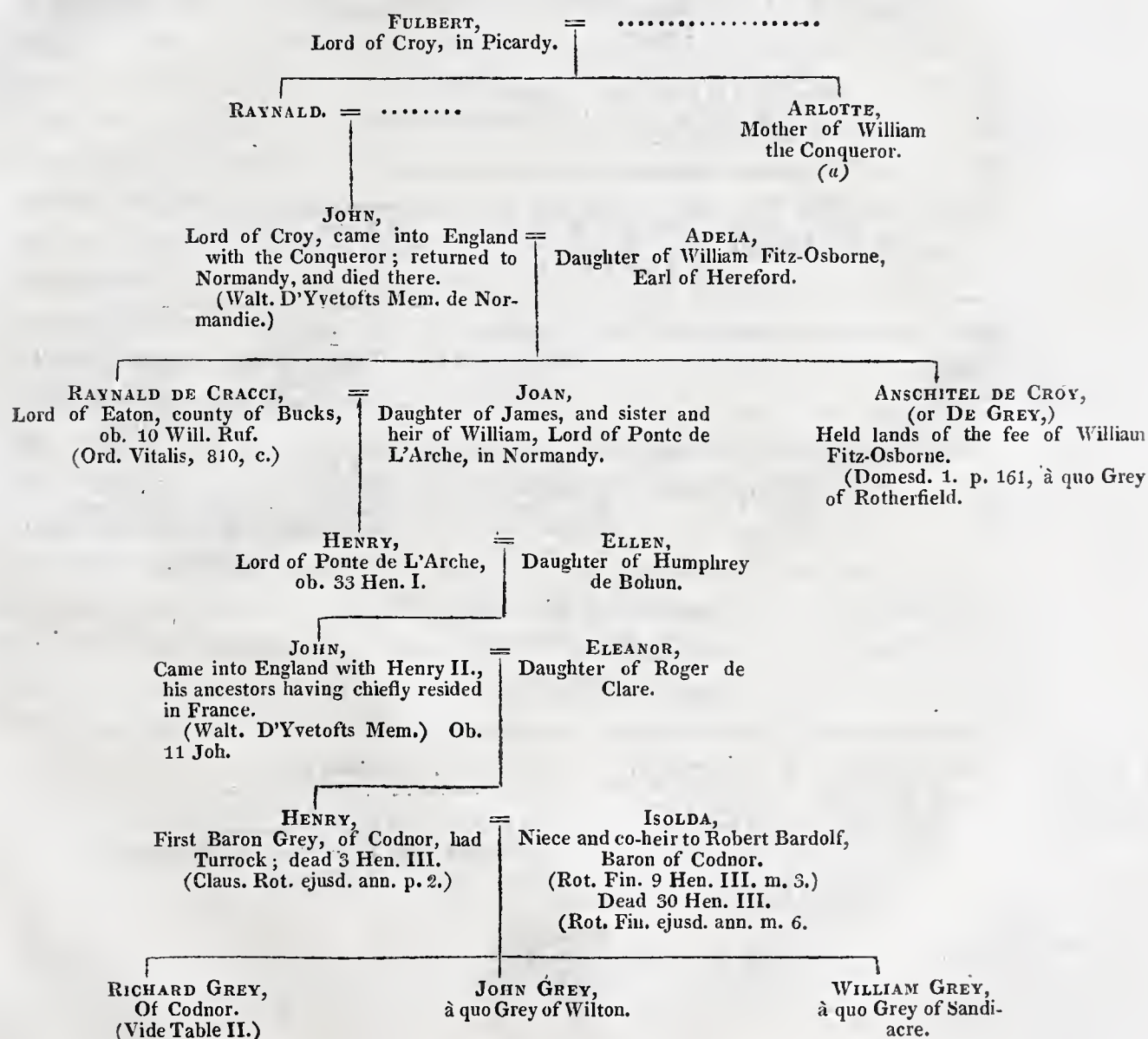
GREY OF CODNOR — p. 224.

The following pedigree (in the early part) of this certainly very ancient

family, having been given by the indefatigable Mr. Blore,* so very differently from any other antiquary or genealogist, and yet vouched by authorities, it is considered that it may be worthy of observation, to be compared with the accounts of Dugdale, Collins, Edmondson, and other eminent heraldic authors.

* Blore's Rutland, p. 162.

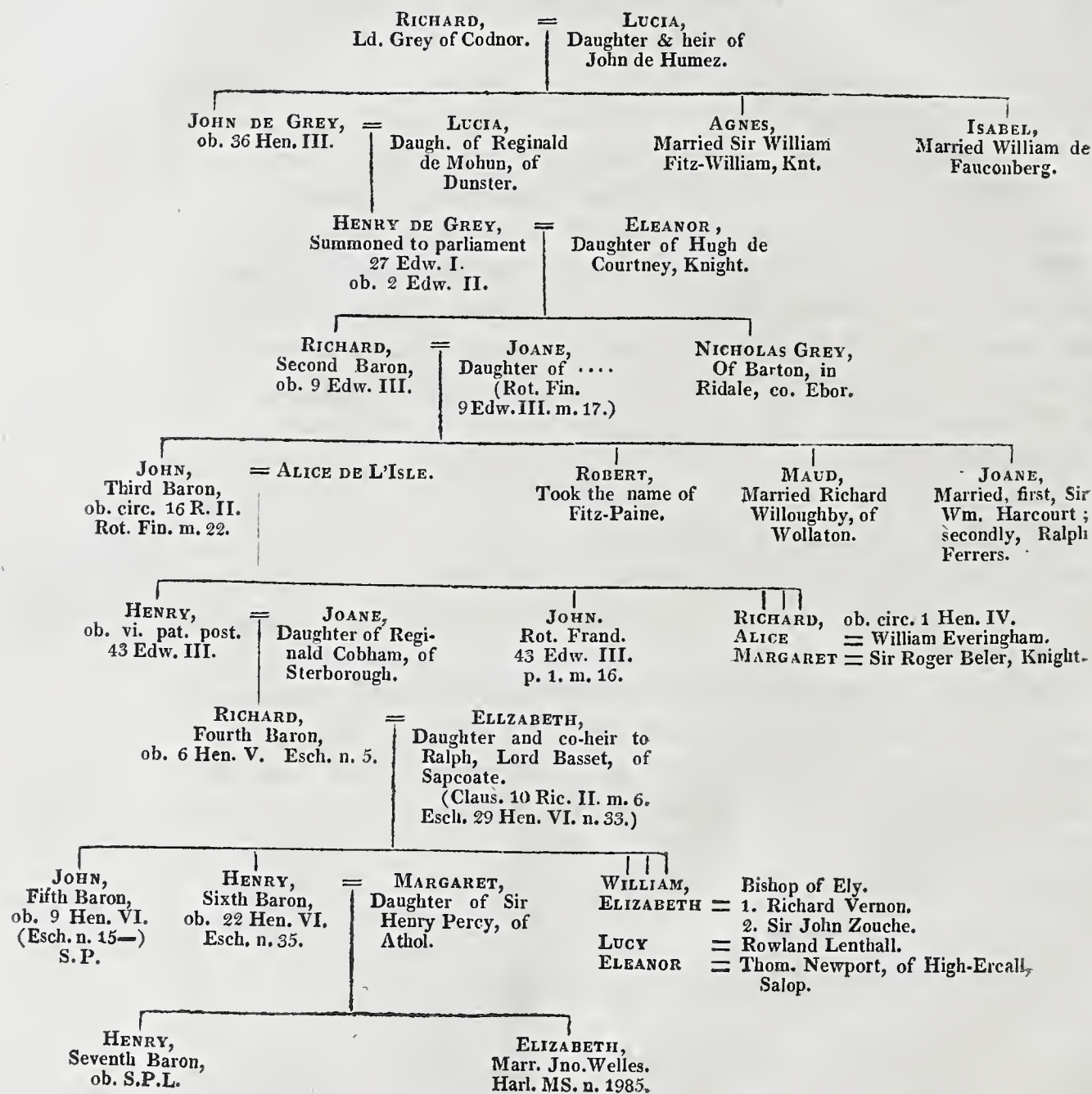
TABLE I.



(a) Rapin, and other historians, state this Arlotte to have been a low skinner's daughter: but probably her father was exalted after the honour the Duke of Normandy had done to his family.

APPENDIX TO VOL. II.

TABLE II.



GREY OF ROTHERFIELD—p. 246.

Under the preceding account of Grey of Codnor, it has been shewn, that Anschitel, a younger son of John, lord of Croy, held lands of the fee of William Fitz-Osborne, earl of Hereford.* Of these, the manor of Rotherfield was a part: this Anschitel, according to Blore,† (before mentioned) had a son,

* Domesd.
Vol. I. p.
161.

† Blore's
Rutland, p.
167.

Richard de Croy, or Grey, who was a benefactor to the abbey of Eynsham, in Oxfordshire, 17 Hen. I., for then Mabilia, who was his relict, had dower in Rotherfield, Dernford, and Burtone. He had issue Anschitel, his heir; John, consecrated bishop of Norwich, in 1200, and died in 1214; and William.

Anschitel de Grey, married Eve, daughter of Baldwin de Redvers, earl of Devon,‡ and had a son,

‡ Test. de
Nev. p. 112.

John de Grey, who was living 22 Hen. II., and first of John. His wife was named Hawyse,§ by whom he had Robert, of Rotherfield; Walter, archbishop of York; Eve, who married William Britton; and Agnes, wife of John D'Oyley.

§ Char. Rot.
24 Hen. III.
m. 3.

How far this statement of the descent of this most ancient family may be more perfect than the representations of other learned persons, is not assumed to be determined. It is given to shew the laborious research of Mr. Blore, and the credit due to him, provided he is correct; and, if otherwise, it may tend to point out where his erudite publication is erroneous.

GREY DE RUTHYN.

The name of Gould, according to Prince in his History of Devon, || is ancient, especially in Exeter, where Adam Gould was receiver-general, ¶ 48 Edw. III.

|| p. 348.

¶ Isaac's
Exon. p. 61.

John Gould, of Staverton, was ancestor to this family, whose great grandson, Nicholas, of London, was created a baronet, but deceased without issue male. His next brother,

James Gould, of Exeter, was great grandfather to Edward Gould, who, by Mary, daughter of Robert Thoroton, esq. had issue

Edward Thoroton Gould, esq. for some years colonel of the Nottinghamshire militia. This gentleman, to his first wife, married (as has been before stated*) Lady Barbara Yelverton, only surviving child and heir of Henry earl of Sussex, and baron Grey de Ruthyn, which lady died before her father, but left issue a son Henry, who, on the death of the earl, his grandfather, in 1799, became heir to the barony;—this

* Dorm. and
Ext. Baron.
V. II. p. 243.

Henry Gould baron Grey de Ruthyn, was born in September, 1780, and married in June, 1809, Maria, daughter of William Kellam, of Ryton, in the county of Warwick, gentleman. Upon succeeding to the title, he took the name of Yelverton. He was lieutenant-colonel of the Warwickshire local militia, but died at an early period of life, on the 30th of October, 1810, leaving a daughter Barbara, born in 1810; now heiress of this ancient honor.

His lordship had a sister Barbara, born the 25th of January, 1777; and another, Mary, born in May, 1779, and married in October, 1807, to the honorable and reverend Frederick Powis, a younger son of Thomas, first lord Lilford.

GREY, LORD POWIS—p. 255.

After the words—*has not been urged on to any decision*—add, counter-petitions were presented to the House of Lords, and by their lordships were referred to their committees of privileges, by the lords Scarsdale, Lilford, and the earl of Powis; the petition of lord Lilford, among other matter, stated,† *viz.* “that the said Henrietta-Maria,‡ Elizabeth Atherton, and Hesther Atherton, are the daughters and co-heiresses of Robert Vernon Atherton, Atherton (late of Atherton, in the county of Lancaster

† Journ.
Dom. Proc.
Vol. XLII.
p. 460-1.
‡ Wife of
Lord Lilford.

End), who assumed the surname of Atherton, instead of Gwyllym, the son and heir of Robert Gwyllym, esq., by Elizabeth, his wife, sole daughter of Richard Atherton, esq., who was son and heir of John Atherton, by Elizabeth, his wife, only child and heir of Robert Cholmondeley, esq., by Elizabeth Vernon, his wife, sister to sir Thomas Vernon, bart., (whose issue became extinct), and daughter of sir Henry Vernon, bart., son and heir of sir Robert Vernon, knight, who was son and heir of John Vernon, esq., brother and heir of Richard Vernon, and son of George Vernon, esq., who was son and heir of Humphrey Vernon, of Hodnet, by Alice Ludlow, his wife, aforesaid."

In the second table of descent, instead of *Henry* Vernon, husband of Alice Ludlow, read *Humphrey*;—and, instead of *James Curzon*, husband of Eleanor Vernon, read *Francis Curzon*.

LATIMER—p. 297.

In addition to the words, *subsequently were elevated*, at the bottom of the page, read—but, notwithstanding this creation, sir Thomas Osborne, was not a co-heir to the barony; nor can his posterity be so, while issue remains from sir John Danoers, the judge, who was a younger son of sir John and Elizabeth Neville.

At line 6, preceding the said words after, *descended*, read *Eleanor*,* instead of *Elizabeth*; and *grandmother*, instead of *mother*, of sir Thomas Osborne.

* Mon. In-
scrip. Apud.
Stow.

In the fourth table of descent, in the issue of *Dorothy*, daughter of John lord Latimer, read, that her grand-daughter, lady Diana Cecil, married, first, Edward, earl of Oxford; and, secondly, Thomas, earl of Elgin.

LISLE—p. 308.

This barony is at present under claim before the House of Lords, on the petition of sir John Shelley Sidney, bart., the nature of which is particu-

* Rot. Claus.
31 Edw. III.
m. 3, in
Dorso.

† Esch. 17,
Hen. VI.
n. 54.

‡ Co. Litt.
165, (b.)
§ P. 304, in
Vol. II.

larly interesting, as embracing points of deep consideration. If the barony was originally created by writ of personal summons to parliament, then, according to the established rules of such kind of dignities, the barony which was created in Gerard de Lisle, 31 Edw. III.* was descendible to his heirs lineal, both male and female. This barony, therefore, as such, descended to her daughter and heir, Margaret, who married Thomas lord Berkeley; and from her, to her only daughter and heiress, Elizabeth, who married Richard Beauchamp, earl of Warwick. This lady died in the lifetime of her husband, leaving issue by him, three daughters, her co-heiresses,† between whom, the barony (upon the principle of being a personal honor) fell into abeyance.‡

Margaret, the eldest daughter, was second wife to John Talbot, the first earl of Shrewsbury, and by him had (as already set forth) § a son John, to whom king Henry VI., by his charter, tested at Westminster the 26th of July (1444), granted that *he and his heirs, lords of the manor of Kingston-Lisle, should, thenceforth be lords and barons de Lisle*, and barons, nobles, and peers of the realm; the charter at the same time expressing, “*that the beforesaid Warine de Lisle, and all his ancestors, by reason of the lordship and manor of Lisle, had enjoyed the name and dignity of baron and lord Lisle, for time immemorial, and that all the successors during the said period had holden the name, seat, and privileges in parliament, and in the councils of the king, the same as other barons of the realm (for the like time immemorial) had possessed and enjoyed.*”

Now provided the ancestors of Warine de Lisle, were barons of the realm from the time, or before the time of Rich. I.^(a) it must be evident, that Gerard, the father of Warine de Lisle, was not created a baron of the realm by the writ of summons of 31 Edw. III., so as to acquire thereby a state of inheritance in his barony, different to the descent thereof, which he

(a) According to the statute, *time immemorial*, relates back to ancient custom, in or before the reign of Ric. I. Ergo, the ancestors of Warine, were barons of the realm prior to 49 Hen. III., and were not affected by the pretended alterations then made with regard to peerage honors.

had by virtue of his lordship and manor of Kingston-Lisle, such rights and parliamentary privileges, with the name and dignity of Baron Lisle, as the ancestors of Warine de Lisle had, were in perfect amplitude granted by the charter of Henry VI. to John Talbot, to enjoy, and hold along with the aforesaid lordship and manor, to *him, his heirs, and assigns, for ever*.

Had the husband of Margaret, the eldest daughter and co-heir of Elizabeth, countess of Warwick, been a commoner, he most probably would have been summoned to parliament *jure uxoris*, as baron Lisle; but being already an English peer, of higher degree, the lordship and manor of Kingston-Lisle were conveyed to the son, that he, by virtue of the possession thereof, as a territorial barony, might have the king's approbation of *the alienation from the mother*,^(b) and be, by royal approbation, with the sanction of parliament,^(c) created lord Lisle. Supposing the barony to have been personal, and to have originated under the writ of summons of 31 Edw. III., there is no doubt that it would have been in abeyance among the three daughters and co-heiresses of Elizabeth, countess of Warwick; had the king exercised his grace in determining the abeyance in favour of either co-heir, she could not thereby have surrendered the honour to her son, for him to have been summoned to parliament in her lifetime. But the honour being *local*, and not *personal*, the assignment of the locality was all that was necessary for the grantee to have, to enable him, with the king's declaration, to be a baron of the realm; as his ancestors, lords of that locality had been immemorially before him.

On the present occasion, sir John Shelley Sidney claims to be heir of the body of Margaret, countess of Shrewsbury, and in such capacity, to be intitled to pray his majesty to exercise the grace of the crown, by terminating the abeyance in his favour.

^(b) Every alienation of lands holden in capite of the crown without licence, was an Escheat, redeemable, however, on the payment of a fine to the king; this being a fee of prerogative.

^(c) This does not apply to a parliamentary sanction of the legislature, but to the enactment of parliament, that all grants passing the great seal shall have the true date affixed thereto; hence *auctoritate parlamenti*, patents &c. are so tested in conformity to the statute.

* Indent.
dat. 27 Mar.
29 H. VIII.

† Rot. Chart.
15 Edw. IV.
n. 18.

That sir John is heir of the third part of the barony of Lisle, on the ground that it is descendable to heirs general, and not confined to the possession of the lordship and manor of Kingston-Lisle, depends, of course, upon his proof of descent: on the contrary, if the barony was granted to Talbot, as the accessory to the possession of the local dominion, then the sale of that dominion or lordship, by sir John Dudley to William Hyde, 29 Hen. VIII.* forms a strong presumption that the barony has expired; at least so much of it as by the charter of Hen. VI. was granted to Talbot; and by the charter of Edward IV. was confirmed to Edward Grey in the same terms, † who had married Talbot's heir, and in right of her had acquired the possession of Kingston-Lisle manor.

The effect of considering the barony of Lisle to have commenced under the writ of summons in 31 Edw. III., and to have fallen into abeyance among the three co-heiresses of Elizabeth, countess of Warwick, would be, to have the said barony both *active and dormant at the same time*.

Whatever interest Margaret, the eldest of these co-heiresses had in the barony, was clearly assigned to her son, who was invested in it, with a declaration, that it *was the same barony which the ancestors of his mother had possessed*. This, though not in exact words, yet in spirit of meaning was tantamount to the determination of the abeyance, and particularly as there does not appear to have been any opposition from the other two co-heirs against it. At the time of his attainder, the duke of Northumberland was evidently in possession of every interest in the barony, which his great great-grandmother, the aforesaid Margaret had, or was intitled to have, unless it was the land honour, or lordship and manor of Kingston-Lisle, which he had sold, (as before observed) 29 Hen. VIII., and previously to his being created viscount Lisle. How far the attainder may have any bearing on this point, is a subject for consideration elsewhere.

In the pedigree of sir John Shelley Sidney, he has not noticed Robert, the son of the celebrated earl of Leicester, by his wife, the lady Douglas Howard, which Robert married Alice, the daughter of sir Thomas Leigh, and had issue several daughters; she was afterwards created duchess Dudley, and her daughters had precedence granted them as the children of a duke.

The legitimacy of this Robert, though strongly contended against by his enemies, was afterwards allowed to be manifest, as well as the injustice done to him, which contributed to the honour thus conferred upon his widow, and his issue. This is a most important feature in the case, as the failure of all issue from these daughters ought to be proved; and, indeed, the failure of all issue from Jocelyn, the last Sidney, earl of Leicester, concerning which a curious trial at bar, in the court of Common Pleas, * some years since, took place, when a person, calling himself John Sidney earl of Leicester, was plaintiff; and Elizabeth Perry, widow, (grandmother of sir John Shelley) was defendant. The question of legitimacy was not tried, but the plaintiff failed by reason of having made a wrong demand to the lands claimed by him as heir to his father. The co-heirs of Eleanor lady Roos, second daughter and co-heiress of Elizabeth countess of Warwick, are, the earl of Essex; sir Henry Hunloke, bart., and the baroness de Ros.

* 11 Feb.
1782.

The co-heirs of Elizabeth, lady Latimer, the third daughter and co-heiress of Elizabeth, countess of Warwick, are, the duke of Northumberland; Winchcomb Henry Howard Hartley, esq.; sir Charles Knightley, bart.; Grey Jermyn Grove, esq.; George William Villiers, esq.; the earl of Abingdon; sir Francis Burdett, bart.; William Fermor, esq.; and lord Rollo.

LOVEL—p. 315.

After the words, *Muriel, daughter of William, the first earl of Douglas, in Scotland*; note—this seems questionable, for earl Douglas is stated to have died in 1384, and must then have been about one hundred years old, supposing him to have been only twenty when this daughter, Muriel, was born. Dugdale has stated, elsewhere, that John de Moels, who married Joan, daughter of Richard lord Lovel, and Muriel, his wife, deceased in 1338, leaving Muriel, his daughter and heir, aged fifteen, who must then have been born in 1323. (d)

(d) These observations are contained in a communication to the Gentleman's Magazine for January, 1824, (p. 17.) These communications, though not always to be depended upon, are very useful to excite more diligent research.

* Rot. Pat.
4 Edw. II.
m. 4.

There is, however, reason to believe that he never married at all a daughter of earl Douglas: a record* thus states the name of his wife; *viz.*

Rex concessit Ricō Lovell in generalli tallio Maner⁹ de Wynefrith Eagle in escambio pro Maner⁹ de veteri Rokesburgh quod fuit Muriellæ uxoris ejus, filiæ & hæredis Joh̄nis Soules, per servic⁹ deß revertere regi.

MALTRAVERS — p. 336.

In the third descent of this family, omit the line of descent from *Agnes, second wife of John Maltravers, who died 38 Edw. III.*, and read (as a note); *viz.*

† Esch.
49 Edw. III.
n. 17. pars.
2.

Upon her decease it was found,† that John de Argentine was her son and heir, aged 50; and that certain manors were settled in default of issue by her husband Maltravers, upon Alianor, daughter of John, son of John Maltravers, sen., wife of John, son of Richard, earl of Arundel; and in default of issue of the said Alianor, and John her husband, remainder to John, son of John Maltravers, of Crawel, and his issue male; and in default, remainder to the right heirs of John Maltravers, of Lychet; the said Agnes died without issue by her husband Maltravers.

MOELS — p. 346.

Compare the words, *daughter and heir of sir Richard Lovel*, at p. 11, from the top, with line 13 from the bottom, at p. 315; and also in the table of descent of the Lovel family, at p. 317; and it will be found a mistake in having printed the word *heir*, which *dele*.

MORDAUNT.

It appears from the records of this family, collected in the reign of

Charles II., and printed at the expense of Henry, earl of Peterborough, that it is of very ancient standing; but without going so far as the time of the Conquest, it may be sufficient to begin with—

Eustachius le Mordaunt (the son of Osmond), which Eustachius by marriage with Alice, eldest daughter and co-heir of William de Alneto, (modernly called Dauney,) obtained the manor of Turvey, in Bedfordshire: from him descended

Edmund le Mordaunt, who married Helen, daughter and co-heir of Ralph Brook, which Ralph was son and heir of Lawrence Brook, by Elizabeth his wife, daughter and heir of Ralph Perrott and Cassandra his wife, daughter and heir of Gyles de Argenton. This Edmund, who lived in the reign of Edward III., was progenitor to

Sir John Mordaunt, who married Edith, one of the daughters and heirs of sir Nicholas Latimer, of Duntish, in the county of Dorset, descended from John Latimer, of Duntish, who was a younger son of William, lord Latimer, by Alice his wife, daughter and co-heir of Walter Ledet. He died 21 Hen. VII.,—the probate of his will,* bearing date the 6th of December, 1504. By this it appears, that he had been twice married, and that his first wife was named Elizabeth.

* In. Cur.
Prero. Cant.
(Holgrave.)

William, his son and heir, dying S.P., the inheritance devolved upon his brother and heir John, which

John, first lord Mordaunt, was a person of great eminence in his time, and being highly in favour with king Henry VIII., was by him summoned to parliament, as a baron of the realm, and took his seat accordingly the 15th of January, 25 Hen. VIII.† (1533), being then placed as the junior baron. In his will, dated 1st of August, 1560, he styles himself lord Mordaunt of Turvey, and desires to be buried in the parish church of Turvey; and that a tomb should be there erected for himself, and the lady Elizabeth, his wife.

† Jour.
Dom. Proc.
Vol. I. p. 59.

The probate of his will‡ is tested 1st September, 1562, so that it is probable he died in that year. By Elizabeth his wife, daughter and co-heir to Henry Vere, esq., of Drayton, in Northamptonshire, he had issue John, William, and George; also, six daughters, who were married: one, Margaret to William Acklam, of Moreby, in Yorkshire, esq.; another

‡ In. Cur.
Prero. Cant.
(Streat.)

to Edward, a younger son of sir Nicholas Fairfax, of Gilling castle, also in Yorkshire.

John, second lord Mordaunt, and eldest son of his father, died about the 14th of queen Elizabeth, his will being proved the 19th October in that year; he likewise bequeathed his body to be buried in the church of Turvey; and in his will appointed certain manors and lands should be assured to the King's Hall, and Brazen-nose College, in Oxford, for the maintenance of certain scholars therein. His lady was Ellen, cousin and heir to sir Richard Fitz-Lewis, (°) of West Thorndon, in Essex, by whom he had Lewis, his son and heir. This

Lewis, third baron, died at Drayton, in Northamptonshire, 16th June, 1601, and was interred at Turvey, the 29th July following. He married Elizabeth, daughter of sir Arthur Darcy, knt., and left a son,

Henry, fourth lord Mordaunt, who being suspected to have knowledge of the Gunpowder Plot, was, with some other lords, committed to the Tower; but after some imprisonment, he and the lord Stourton were fined in the Star Chamber, and released in June, 1606. By Margaret his wife, daughter of Henry, lord Compton, he had John, his son and heir; which

John, fifth baron, was, by letters patent, dated 9th of March, 1627-8, (3 Car. I.) created earl of Peterborough; but though he owed this advancement of honour to the king, he seems to have holden a commission in the Parliament army, under the command of the earl of Essex, being general of the ordnance, and colonel of a regiment of foot,* anno 1642. He died the same year, and was buried at Turvey. He married Elizabeth,

* Army List, printed by J. Partridge, 1642.

(°) Tradition (cited in Morant's Essex, Vol. I. p. 213,) gives the origin of this surname to a son of Lewis the Dauphin, (who was called over by the barons in the time of king John,) by an intrigue with a noble English lady, but whose name is not mentioned. Morant also states, that *Ela*, *Ellen*, or Elizabeth (for so many different names she is called,) Fitz-Lewis, was daughter of sir Richard, and sister and heir to her brother John Fitz-Lewis; that she, the said Ela, being a great heiress, sir John Mordaunt gave king Henry VII. the sum of thirteen hundred marks for her wardship, and married her; and that, at her decease, in June, 1543,* Lewis Mordaunt, her son, was then only five years old.

* Esch. 35 H. VIII. n. 8.

sole daughter and heir of William, lord Effingham, (son and heir-apparent of Charles Howard, earl of Nottingham,) by Anne his wife, daughter and heir of John, lord St. John, of Bletshoe, and had two sons; Henry, his successor, and John, hereafter mentioned; also, a daughter Elizabeth, who wedded Thomas, son and heir-apparent to Edward, lord Howard, of Escrick.

Henry, second earl of Peterborough, was on the king's side at the battle of Newbury, where he was wounded: he was a staunch loyalist, and adherent to the house of Stuart, and was greatly in favour at the court of Charles, and James II. He was much distinguished for his antiquarian knowledge, and his desire to preserve the records of his family, which induced him to compile the scarce folio volume, entitled *Halstead's Genealogies*. He died 19th June, 1697, and was buried at Turvey. By Penelope, his wife, daughter of Barnabas, earl of Thomond, he had an only daughter Mary, who married, first, Henry, duke of Norfolk, from whom she was divorced; and secondly, sir John Germain, bart., to whom, at her death in 1705, she left her magnificent seat at Drayton; which, on his death in 1718, he gave to his second wife, Elizabeth, daughter of Charles, the second earl Berkeley, who, on her death in 1769, gave it to lord George Sackville, afterwards lord George Germaine, and created viscount Sackville. Having no issue male, the title of earl of Peterborough devolved upon his nephew Charles, son and heir of John, his younger brother; which

John, first lord Mordaunt,* of Ryegate, and viscount Mordaunt, of Avalon, was so created by Charles II., the 10th July, 1659, in consideration of his active services, and wonderful perils in bringing about the Restoration: of all which, lord Clarendon has given a full account.† He died in 1675, and was buried at Fulham, where a magnificent monument is erected to his memory, with a suitable inscription in Latin.

* Mordaunt of Ryegate.

† Clarendon's Memoirs of the Rebellion.

By Elizabeth his wife, daughter and heir of Thomas Carey, second son of Robert, earl of Monmouth, he had seven sons and four daughters: of the latter, two died unmarried; Sophia married James Hamilton, of Bangor, in Ireland, esq.,—and Anne married James Hamilton, esq., of the same kingdom.

Of the sons: two did not survive to maturity; of the others, Charles, the eldest, succeeded his father, and uncle.

Henry, second son, was a lieutenant-general in the army, and treasurer of the Ordnance, in 1699. He married, first, a natural daughter of Thomas Spencer, of Yarnton, in Oxfordshire, esq., and had a son John, and two daughters; *viz.* Elizabeth-Lucy, who married sir Wilfred Lawson, bart.,—and Margaret. His second wife was Penelope, daughter and heir of William Tipping, of Ewelme, in Oxfordshire, esq., and by her he had a daughter Penelope, who became the wife of sir Monoux Cope, of Bramsel, in Hampshire, bart. John, the son, by the first wife, became a lieutenant-general in the army, and was a knight of the Bath.

Lewis, third son, was also in the army, and was made a brigadier-general in 1710, but died in February, 1712-13. He married, first, Anne, daughter of — Martin, esq., and had a son, colonel Charles Mordaunt, who was twice married; first, to Charlotte, daughter of Thomas Mainwaring, esq., but she died without issue; and he married, secondly, Anne, daughter of Scroope, viscount Howe, by whom he had three sons, Charles, Osbert, and Henry. The general married, secondly, Mary, daughter of lieutenant-colonel Collyer, and by her had two daughters; *viz.* Anna-Maria, wife of Stephen Poyntz, of Midgham, esq., and Sophia, who married sir Roger Martin, bart.

Osmund, the fourth son, was slain at the battle of the Boyne, in 1690.

George, fifth son, was in holy orders, and died in July, 1728, having first married Catharine, daughter and co-heir of sir Thomas Spencer, of Yarnton, in Oxfordshire, bart., (widow of John Dormer, of Ascot, esq.); but this lady dying S.P., in 1714, he married, secondly, Elizabeth, daughter of sir John Doyley, of Chiselhampton, bart., by whom he had a daughter, Anne, who married Jonathan Shipley, D.D., canon of Christchurch, Oxford. The said Elizabeth deceasing, he married, thirdly, Elizabeth, sister to Mary, the wife of his brother, general Lewis Mordaunt, and daughter of lieutenant-colonel Collyer: by her he had two daughters, whereof Mary was the wife of Valentine Maurice, esq., and Elizabeth, of sir William Milner, bart.

Charles, second viscount Mordaunt, was highly instrumental in pro-

moting the revolution, and for his services on that memorable occasion, was, on the accession of king William and queen Mary, previously to their coronation, created earl of the county of Monmouth, by letters patent, dated the 9th of April, 1689. In 1697, by the death of his uncle (as before stated), he became third earl of Peterborough.

In Mackay's Memoirs,* it is said of him, that "his promising sir John Fenwick his life, if he would accuse the duke of Shrewsbury, and the lord Orford, to have a design to bring in king James, and his writing a book, by the assistance of Dr. D'Avenant, and putting one Smith's name (^f) to it, against that duke, lost him with all honest men; the House of Commons having voted, the one, *a scandalous design to make a difference between the king, and his best friends*; and the House of Peers having ordered the second *to be burnt by the hands of the common hangman*."

"He affects† popularity, and loves to preach in coffee-houses, and public places; is an open enemy to revealed religion; brave in his person; hath a good estate; does not seem expensive, yet always in debt, and very poor; a well-shaped thin man, with a very brisk look."

"He was (says lord Orford, ‡) one of those men of careless and negligent grace, who scatter a thousand *bon mots*, and idle verses, which we painful compilers gather, and hoard, 'till the owners stare to find themselves authors. Such was this lord: of an advantageous figure, and enterprising spirit; as gallant as Amadis, and as brave; but a little more expeditious in his journeys; for he is said to have seen *more kings*, and *more postillions*, than any man in Europe." His enmity to the duke of Marlborough, (^g) and his friendship with Pope, will preserve his name, when his genius, too romantic to have laid a solid foundation for fame, shall be

(^f) It was intitled, "Memoirs of Secret Service, by Matthew Smith, of the Inner Temple, esq." 8vo. 1699.

(^g) Mackay writes, "That when the queen (Anne) ascended the throne, the earl of Nottingham procured him a commission to be captain-general in America, and governor of Jamaica; but the earl of Marlborough, returning from Holland, before the commission had passed the seals, it was stopped, as being deemed too great a command for one of his fiery and inconstant temper."

equally forgotten. "He was a man (as his poet said,) who would neither live nor die, like other mortals."

He died at Lisbon, in 1735, aged seventy-seven; but was brought over and buried at Turvey.

His lordship married to his first wife, Carey, daughter of sir Alexander Fraser, of Dores, in Scotland, and by her (who died in May, 1709, and was interred at Turvey,) he had a daughter Henrietta, who married Alexander, second duke of Gordon; also two sons. His second wife was Anastasia Robinson, but by her he had no issue. Of the sons,—

Henry, the youngest, was brought up in the navy, and was captain of the *Resolution*, man-of-war, on board of which he distinguished himself by a gallant action with a very superior force of the enemy, on which occasion, he was wounded in March, 1706-7. Shortly after, when he died of the small-pox, unmarried, 24th February, 1709-10.

John, viscount Avalon, (or rather, Mordaunt of Avalon,) the eldest son, was a colonel in the grenadier guards, at the battle of Blenheim, where he lost his left arm. Like his brother, he also died of the small-pox, in the lifetime of his father, the 6th of April, 1710, and was buried at Turvey.

He married the lady Frances Powlett, daughter of Charles, duke of Bolton, and by her, (who survived him,) had issue two sons—Charles, the next earl, and John; which John married Mary, sister to Scroop, viscount Howe, and widow of Thomas, earl of Pembroke.

Charles, fourth earl of Peterborough, who succeeded his grandfather, married, first, Mary, daughter of Thomas Cox, esq., and by her, who died in November, 1756, had issue Frances, born in 1736, who married in October, 1765, the Rev. Samuel Bulkeley, of Hatfield, in Hertfordshire; and Mary Anastasia Grace, born 5th June, 1738.

His lordship married, secondly, Robiana, daughter of colonel Brown, and had issue Charles Henry, his successor, born 16th May, 1758; and Paulet, born 12th July, 1759, who died young. The earl deceased on the 1st of August, 1777, and was succeeded by his only surviving son,

Charles Henry, fifth earl of Peterborough, who died unmarried in 1814, when the titles of baron Mordaunt, of Ryegate, viscount Avalon, (or rather viscount Mordaunt, of Avalon,) with the earldoms of Monmouth

and Peterborough, are considered to have become extinct for want of male heirs to succeed thereto; but the barony of Mordaunt being, by writ, is in the issue (if any) of lady Frances Bulkeley; or, that failing, in the duke of Gordon, as next heir-general.

NEVILL — p. 393.

In Table III. of this family, it is stated, upon the authority of Dugdale, Collins, and Edmondson, that the second wife of Henry, fifth earl of Westmorland, was named *Mary*, it appears by the monument at Staindrop, that her name was *Jane*; which, indeed, by a note at p. 389, has been noticed on the credit of Milles. By the said monument it likewise appears, that the earl had a third wife, named *Margaret*.

At Table IV., p. 394, add—

Catharine, daughter of Ralph, first earl of Westmorland, married, first, John, duke of Norfolk; secondly, *John, viscount Beaumont*; * thirdly, sir John Widvile, knt.

* Rot. Parl.
Vol. V. p.
607.

PAGET — p. 409.

Add, after the words *did all*, in the note at the bottom of the page; *viz.*

The common-place book of this nobleman was, and probably still is, in the possession of lord Boston, a descendant of the family. It contains many particulars relative to the court, the navy, and foreign affairs; and concludes with these maxims; *viz.* “Flye the courte; speke little; care less; devise nothing; never earnest; in answeare cold; lerne to spare; spend with measure; care for home; pray often; live better; and dye well.”

PERCY—p. 431.

In the account of this very eminent family, it will be seen, that at the above page, James Percy, who claimed the earldom of Northumberland, *was generally reputed an impostor*: after which words, let the following particulars obtain the reader's attention:—

Henry, sixth earl of Northumberland, died without issue, whereby sir Thomas Percy, his brother, had he been alive and not attainted, would have inherited the family honours; but he was executed and attainted the 29 Hen. VIII., so that his issue were incapable of succeeding to the barony of Percy, or the earldom, until the attainder should be reversed.

The inheritable honours were not forfeited, but they were suspended in the crown, by reason of the incapacity of the heir-lineal to take them. At length, Thomas Percy, eldest son of the attainted sir Thomas, found so much favour from queen Mary, that she made him a baron by the title of lord Percy, with a limitation to the heirs male of his body; and also created him earl of Northumberland, with the like limitation; and in default of such issue male, remainder to his brother Henry, and the heirs male of his body. This limitation shows, that, what was granted by the queen, was not a restitution, but an act of donation: for the barony of Percy was restricted to a course of descent different to that which attached to the old barony, which was to heirs general; though with regard to the earldom, it was still to continue in the male line. But this earl Thomas was afterwards beheaded in the reign of queen Elizabeth, and died without issue male. His brother Henry, by virtue of the entail, succeeded to the honours, and took his seat in parliament the 18th of queen Elizabeth. Accordingly from him, they descended to his great-grandson Joceline, the ninth earl of his family, but the fifth only from the patent of earl Thomas.

Joceline having died without issue male, the limitations under the patent are considered to have expired with him; at least, no male representative

of the body of earl Henry, has ever appeared to claim the dignities attached to their descent.

Under the presumption that all issue male has absolutely become extinct, it then follows as a question, whether the barony and earldom granted by queen Mary have reverted to the crown, or are still claimable by any heir male of the bodies of Guiscard, or Ingelram Percy, the younger sons of sir Thomas Percy, and the younger brothers of the two earls, Thomas and Henry, the patentees of the revived honors? It must seem clear that these younger brothers were not inheritable to whatever dignities were conferred by queen Mary, and their right of succession must depend upon the point of, how far the ancient barony and old earldom were forfeited by the attainder of their father, sir Thomas. Not being in him, but in the actual enjoyment of his elder brother, Henry, the sixth earl, they were not (upon principle and precedent) forfeitable; and as such, then, whatever was given by queen Mary, could not affect the rights of these younger sons, on the failure of the issue male of their elder brothers.

But the pretensions of James Percy were derived from an higher branch, namely, from Ingelram, third son of Henry V. earl, and next brother to sir Thomas Percy, who was attainted as aforesaid; to counteract this claim, it seems that sir William Dugdale gave countenance, advice, and assistance to one Francis Percy, and deduced his descent from a nearer stem, videlicet, from Guiscard, one of the younger sons before mentioned, of the said sir Thomas Percy. On this subject, Dugdale thus writes* to Francis Percy:—

* M.S. ab.
Orig. penes
Auct.

“ Sir,

“ This is to let you know that this day I received your kinde present of fowle, for w^{ch} I return you my hearty thanks, but am not pleased that you have put yourself to the charge and trouble thereof; assuring you of my willingness to do you any service I can, wthout expectance of any such thing from you; it being both just and reasonable, that all generous minds should readily serve you in this businesse to their utmost. But as affaires stand at present in that noble family, I must tell you, it will not be seasonable to move for you, the distractions and perplexities wherein all

of them are, being so exceeding great. When I finde a proper opportunity, be confident I will not forget you. Should I move in it now, it would be the near way to spoyle it utterly. You must therefore expect wth patience, and be confident, that you have not any acquaintance that will more cordially endeavour to serve you, than,

“ Your very affectionate friend,

“ WM. DUGDALE.”

“ London, Nov. 23, 1681.”

Directed—

“ For Mr. Francis Percie, a stone-cutter, at his
house in Cambridge.”

THE PEDIGREE.

GUISCARD PERCIE, a younger brother to Henry, eighth Earl of Northumberland.

THOMAS PERCIE, one of the conspirators in the Gunpowder Plot, anno 1605.

ROBERT PERCIE, of Taunton, in Somersetshire.

FRANCIS PERCIE, of Bickley, in Devonshire.

FRANCIS PERCIE, now residing in Cambridge, anno 1681.

“ Upon the sight of the certificates, ^(h) whence I have made these brief abstracts, I am of opinion, that Mr. Francis Percie, now living and residing in Cambridge, is lineally descended from Thomas Percy, who was one of

^(h) It was at first intended to publish a copy of these certificates, but as they relate to parish registers, and other evidence of a pervertible nature, it has been considered more advisable not to do so; the Editor having had occasion to know many instances in which interested parties have, without doubt, mutilated parochial entries, and even removed monuments, to destroy, or suppress the evidence which might have been derived therefrom, on many important claims.

the conspirators in the gunpowder treason, in the third year of king James.

(Signed)

“ WILLIAM DUGDALE,
Garter, Principall King of Armes.”

“ Nov. 9, 1681.”

That the said pedigree, whether true or not, was in contra-position to that of James Percy, may be seen, by what the said James writes to his cousen Francis; *viz.*

“ London, Aprill 3, 1688.

“ Cozen Francis Percy,

“ As mine adversaryes would have owned thee, and have endeavoured with y^e heralds to deny mee, even so my endeavoures are y^e Gods truths should bee manifest and made knowne to the world, y^e property and right might bee preserved amongst men. My Ffather was Henry Percy, of Horton, in Northamptonshire, who was second sonne of Henry Percy, of Pavenham, in Bedfordshire, who was first sonne of sir Ingelram Percy, third sonne of Henry Percy, fifth earle of Northumberland; and your Ffather was Ffrancis Percy, the sonne of Thomas Percy, who was the sonne of Robert Percy, second sonne of sir Ingelram Percy. Notwithstanding, sir William Dugdale, principall King at Armes, in his letter directed to you, to clayme under Guiscard Percy, y^e sonne of sir Thomas, who was found ob. S. P. in those books of Heraldry in Caijus Colledge, Cambridge: but there is one Roger Percy, who was the son of Henry Percy, who was the sonne of Richard Percy, who was y^e sonne of Robert Percy, second sonne of sir Ingelram Percy, who sent those two sonnes and two daughters in *Hampires* ⁽¹⁾: Anne married Eson, a miller, in Cookno, in Northamptonshire; and Elenor married and had a daughter, Mary, grand-daughter of sir Ingelram, who is yet living, aged 85; but whether Thomas, your grandfather; or Richard, his grandfather, was the eldest, I cannot tell. I believe

⁽¹⁾ Probably meant for *Hampshire*, unless it alludes to any mode by which, when infants, they were clandestinely removed from home, or sent to a distance, as to a place of secrecy.

the register of Cookno, in Northamptonshire, will inform you; sir Robert Percy, with your grandfather, lived in y^e towne, as I have been informed. I have given you this reall account, that as I have been owned by Henry, 9th earl; Algernoone, 10th earl; Henry lord Percy, his brother; and Joceline, 11th earl; even so I owne you two to bee y^e next heire males to y^e Percy, if it should please God my issue males should dye; therefore, my desire is, that you would both bee at my tryall and enter yourselves in the Herald's office, before I dye, to prevent those troubles I have undergone.

"I remaine,

"Your Ffaithful kinsman,

"These to Mr. Francis Percy,
in Cambridge, p. sent."

"JAMES PERCY."

* Collins's
Peerage,
Percy Fam.

Under this representation there is some ground to believe, that James Percy was not so exactly an impostor as has been asserted by Mr. Collins,* but that, through the hand of power, he failed, like many others, who are friendless and pennyless, from having justice done to his pretensions.

Assuming him, and Francis Percy to have been incapable of proving their descent, it remains to view the printed pedigree of the late bishop of Dromore, who, in the absence of any male heir, of a later or nearer connexion, purports to have a right to the old earldom, as descended from sir Ralph Percy, a younger son of Henry, the second earl.

Yet taking the absence of all claim on the part of his family, to be an admission that their pedigree is questionable, or not establishable, there seems to be great reason to imagine that an heir to this highly noble and ancient title is still existing, though probably in some very humble situation of life.

With regard to the old barony of Percy, and the acquired baronies of Poynings, Fitzpain, and Bryan, all of which as created by writ were descendable to heirs general; it is to be observed, that they were all in Henry, the sixth earl, who died S. P., and would have descended to his nephew, Thomas, had not his father, sir Thomas, been attainted. The grant of queen Mary, of the name of the barony of Percy, to the said Thomas, the nephew, was not a restitution in blood; yet, taking it for one moment as a

position, that the attainder of the father was reversed, and that Thomas thereupon had the titles of his family, the same as he would have inherited them, had there never been any attainder, then were they afterwards either re-escheated to the crown by his attainder, (if such followed his execution) or they were in abeyance between his five daughters and co-heiresses. In any way whatsoever, they never *could descend* to the present duke of Northumberland, the mere representative of a younger branch of the Percy family. But, nevertheless, he has a co-heirship to the barony of Nevill, lord Latimer, and a sole heirship to the barony of Percy, created by the writ of summons of Algernon lord Percy, (in the lifetime of his father, Henry, ninth earl of Northumberland,) under which he took his seat in the House of Lords the 28th of March, 1 Car. I.*

* Journ.
Dom. Proc.
Vol. III.
† Ibid.

On this occasion he was placed next to lord Audley,† but admitting that the said old barony had escheated to the crown, by attainder, it could not be granted by the king with any other precedence, than the date of the summons itself; and the party, who was thereby summoned, was not heir general; for the daughters (or their issue) of Thomas, the seventh earl, were still existing and in priority of blood.

It is not a little singular that Collins asserts,‡ that the earl, father of the said Algernon lord Percy, 4 Cha. I. obtained a confirmation to himself and the heirs male of his body, of the barony of Percy, and earldom of Northumberland, in such manner as he did then enjoy his place and precedence.

‡ Collins's
Peerage,
Percy fam.

The barony and earldom had unquestionably devolved upon him, as son and heir of earl Henry, who had them under the entail in the patent of queen Mary: if so, the writ of summons to his son Algernon could confer on him no other state of inheritance than his father had in the honour, and that was limited to heirs male.

It may therefore be assumed, that no state in fee was acquired under the said writ of summons; and that the only barony of Percy, in the duke of Northumberland, is the one arising from the writ of summons to Algernon earl of Hertford, son and heir apparent to Charles Seymour, duke of Somerset, under which he took his seat in the House of Lords the 21st of January, 1722,§ as baron Percy, on the death of his mother, the duchess, daughter and heir of Joceline, the last earl of Northumberland.

§ Journ.
Dom. Proc.

SANDYS OF THE VINE—p. 456.

* Leland's
Itin. Vol. IV.
p. 10.

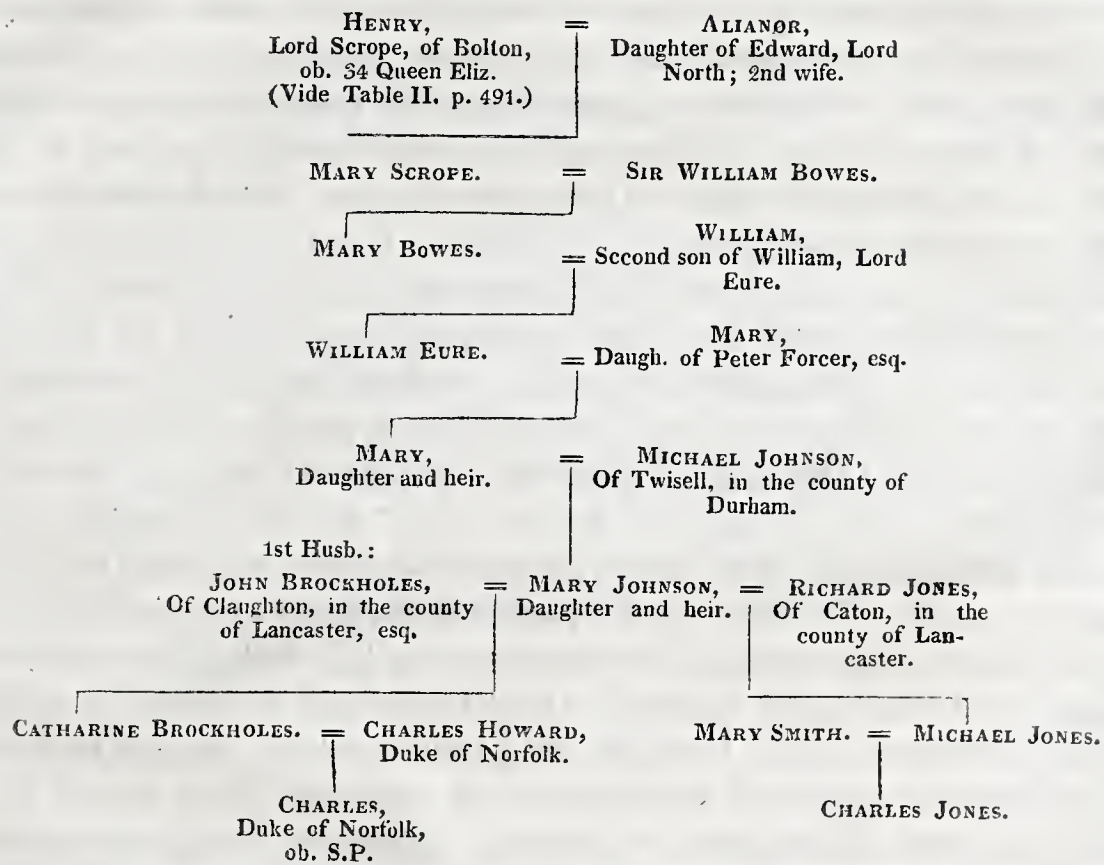
At line 24 from the top, after *two sons*; add, Leland* says, "the lord Sannes, now levyng, hath to wife the erle of Rutland's daughter, and hath four sons and six daughters, yet levyng by her." The same author states, that "the lord Sannes, who was his father, made an exchange with the king, and gave Chelsea, by Westminster, for Mottisfont Priory, in Hampshire, where he began to translate the old building and to erect a fair manor place, which he left unfinished."

SCROPE OF BOLTON—p. 491.

The accounts of the respective branches of this baronial family, differ so much from each other, that it is a matter of great uncertainty to say, which of the heraldic statements is the most deserving of credit. The indefatigable Mr. Blore, in that portion of the topography of Rutlandshire, published by him, has given a very excellent pedigree of the Scropes, authenticated by very numerous references to the public records, under which authority such pedigree seems to supersede in accuracy the descents given by Dugdale, Glover, and other names of official note; but, nevertheless, Mr. Blore's representations are, in several instances, at variance with those contained in the private genealogies of some respectable families, who claim descent from the Scropes of Bolton, Masham, and Upsal.

The following table may tend to show the line of the presumed heir to the barony of Scrope, of Bolton.

SCROPE OF BOLTON.



STAFFORD—p. 536.

After the conclusion of the account of this family, read,—

* Vol. II.
p. 540.

The barony of Stafford, created in the persons of sir William Howard and Mary Stafford, his wife, was claimed by sir William Jerningham, bart., as heir general, according to the table of descent; * his claim was referred first to the attorney-general, and on his report, was further referred to the House of Lords. Evidence was heard before the committee for privileges; and on the death of sir William, the claim was similarly proceeded in, by his son and heir, the present sir George Jerningham. But whatever barony had been created in the persons of sir William Howard, and his lady, was considered to have been forfeited by the attainder of sir William, when viscount Stafford, which attainder never having been reversed, his issue by the baroness, and her issue by him, were rendered incapable of inheriting any honour, dignity, or estate. But while the Jerningham family claimed this barony, they also claimed to be intitled to the old barony of Stafford, which had come to the crown on the attainder of the duke of Buckingham, in the time of Henry VIII. Henry, son and heir of the duke, had been restored in blood to his father, and a portion of the forfeited estate had been granted to him for a support; and, moreover, the king had given to him the name and title of baron Stafford, to hold to him and the heirs male of his body; and, furthermore, by the act of restitution in blood, *he and his heirs* were rendered capable of inheriting any other honours, lands, &c. &c. &c. which he or they might have right through their father, saving and excepting what had been forfeited by the attainder, and was not restored by the Act.

Under this second clause in favour of heirs general, it was contended by the Jerninghams, that the heirs male of the body of Edward baron Stafford, having become extinct, they were, as heirs general of him, and of his father, the duke of Buckingham, fully intitled to the inheritance of the ancient barony of Stafford.

Under this position of the claim, it was counter-opposed by a Mr. Cooke,

who, assuming the argument to be good, that the old barony *was inheritable by the heir general*, insisted upon it that *he*, and not the family of Jerningham, was the *heir general*, to whom the barony did legally belong ; because the attainder of William, viscount Stafford, had created a corruption of blood, and his issue was thereby incapable of claim, being dead in law, and as such the same as if they never had been born. On this point the opinions of two eminent counsel were written ; the one,* thus expressed itself :—

* R. Espinasse, Eng.
29 Aug.
1823.

“I am of opinion that, by the attainder of sir William Howard, viscount Stafford, the husband of Mary baroness Stafford, he became incapable of transmitting the title or property by heirship, through him ; and if, as I understand the fact to be, the Jerningham family claim through him, I think they cannot establish any title to the barony of Stafford, or the estates, as long as the attainder of sir William Howard, viscount Stafford, remains in force. The attainder of sir William Howard did not, however, I think, affect the heritable blood of Mary, baroness of Stafford, his widow, further than that her children by sir William Howard could not inherit, because they must claim through sir William Howard ; or, I may say, could only connect themselves with Mary, baroness of Stafford, by blood derived through sir William Howard, but that blood was corrupted by the attainder. Had Mary baroness Stafford married a second husband, and had had issue by such second husband, such issue would have inherited, because they could not be connected in blood with, nor derive title, through sir William Howard ; but if she did not marry a second time, which appears she did not, then the person entitled to the barony and estates must be sought for, by going back to the common ancestor, the restored Henry baron Stafford.

“Upon the question, so far as regards the claim to the barony, it depends upon the point whether the barony of Stafford is a barony in fee, in tail, or in tail male, if it be a barony in fee, or in tail general, assuming the pedigree laid before me to be correct, Richard Stafford Cooke is the person intitled to the barony, as he unites in himself the two characters of heir in tail general to Henry the restored lord, and heir at law to the last possessor of the title. As to the estates, I am of opinion, that they have descended

to Richard Stafford Cooke, he being heir at law to Mary, the last person seised (as the heritable blood, I think, ceased with her;) and also heir in tail-general to Henry, the first restored lord."

* W. Harrison, esq.
Linc.-inn-
fields.

The other opinion* was this:—

"The first question would be, whether the barony of Stafford is a barony in fee. I have not seen the different opinions which have been given, or heard very distinctly those which are said to have been intimated by high authorities upon this point, but understand that they concur in considering the subsequent limitations relating to the honours and estates in the Act of restoration, as controuling the first limitation to heirs male; and upon the fullest consideration I have been able to give the case upon the facts (and materials) laid before me, I think it clear that the true construction necessary to give effect to the whole, is decidedly in favour of the barony being in fee. It also appears that Mary, the wife of the attainted viscount, was baroness in her own right, and held the barony and estates annexed to it for many years after the attainder of her husband, which affected only her children as his issue, and not herself, or any of her personal rights; assuming this to be a correct state of facts, it follows, that upon the death of Mary, without any issue capable of inheriting, the heirs of Mary must be sought for, in the heirs of the body of the restored lord."

† 1 Edw. VI. The Act † for the restitution in blood of the lord Stafford recited after the preamble, *viz.*

1st Clause. "That the saide Henry Stafforde, and the heires males of his bodye maye and shall be accepted, taken, knowen, reputed, called, and written from hensfurthe by the name of lorde Stafforde; and that the saide Henry and the *heires males* of his bodie cominge, shall have and enjoye in and at all Parlyaments and other places, the roome, name, place, and voice of a baron.

2nd Clause. "And that the saide Henry and *his heires* be and shall be by thauctoritie of this acte restored and ennabled in bloude as sonne and heire, and heyres to the saide Edward, late duke of Buckyngham, and made sole heyre, and heires to the said Edward, late duke of Buckyngham, by *the name of lord*

Stafforde, in bloude; and that the said Henry and his heires from hens-furthe may and shall be ennabled to demaunde, aske, have, holde, and enjoye all and everie such honnors, castells, mannors, lordships, hundreds, fraunchesies, liberties, privileges, advowsons, nominations, pñtaçõs, knights fees, landes, tenements, rentes, reverçõs švices, remaynders, porçõs, anuities, pençõs, &c.; and *all manner of heredytaments*, with their apptenñces which at any *time hereafter* shall come, remayne, descende, or revert from anny *collaterall auncestors*, other than suche castells, mannors, &c. &c. &c., which were the said late dukes his fathers *in use*, possession, reverçõn, remaynder, or otherwise the day of his attaynder; and other, then suche honnors, castells, mannors, landes, teñts, and other heredytaments as *your Highness** was entytled to have had, or might or ought to have had, as thoughe no suche acte of pñtament concerninge the said attaynder had never byn had or made. So *allwayes it be not to conveye the saide Henry or his heires* to any estate, *dignitie, name, prehemynence*, posçons, or heredytaments, that were of the saide late duke, father to the saide Henry, *other* than suche as byn this acte lymited and appointed."

* *i. e.* King.

By the first clause, the barony only was restored, to hold under a different course of descent to its original creation; but no other dignity or office whatsoever was re-granted. By the second clause, the restored baron and *his heirs* were made capable of inheriting any *other honour*, to which, through the attainted duke, they might derive a title from *any collateral ancestor*, and to which, but for this act, they would have not been able to maintain a claim. By the failure of issue male, the restored barony was become extinct, and the old one remained forfeited to the crown.

That this is the true construction of the act, seems to have been the opinion of the Lords on the Lumley case, where the ancient barony (which was by writ, and descendable to heirs general) had been forfeited, and a restoration had been made of the barony to the heir male, to hold to him and the *issue male of his body*. This act passed at the very same

time as the aforesaid one of Stafford. ^(k) After the failure of the issue male of the restored baron, it was claimed by the heir general, whose counsel insisted on these points; *viz.*

“ That the barony of Lumley was in fee-simple; that the last lord was, by the act of parliament of 1 Edw. VI., restored to the said barony in fee-simple, and that the petitioner, being heir general, was intitled thereto.”

To these it was answered—

* 1 Edw. VI. “ That by the said act of parliament,* a new barony of Lumley was created, and limited by express words to John, lord Lumley, in tail-male, and that upon his death, without *issue male*, it became extinct. That the attainder of George Lumley is not reversed by the said act, ⁽¹⁾ but remains in force; and that the restitution of the said John, lord Lumley, in *blood only*, while the attainder remains unreversed, could not possibly revive the ancient barony, which was before merged in the crown, in consequence of that attainder.

“ That the construction of the act, contended for by the petitioner, would have this absurdity, if it prevailed; *viz.* that the same act must give the same barony to the same person, under *two different limitations*—one in *fee-tail*, the other in *fee-simple*, and both in possession; and was not, therefore, to be admitted. Upon the whole matter, the Lords resolved that the petitioner had no right to the barony.†

† Vide
Lumley,
Vol. II. p.
332.

(k) The words of restoration were like those of Stafford, to *the heirs male of his body*. After which, the act recited as in Stafford; *viz.* *That the said John Lumley and his heirs* might be and should be restored and enabled in blood as son and heir *and heirs* to the said George Lumley, (the attainted person,) and as cousin and heir and heirs of the said John late lord Lumley, and made only heir and heirs in blood, as well to the said George as to the said John, late lord Lumley, and either of them, by the name of lord Lumley.

(1) This is an important point, as to the non-reversal of the attainder of Edward, duke of Buckingham, by the act which gave to his son the barony of Stafford, and restored him in blood only.

This decision appears to meet the question of claim to the ancient Stafford barony.

With regard to Mr. Cooke's pretensions, they are at once answered, if the Lumley precedent may be deemed analogous to the Stafford case.

The reversal of the attainder of the viscount Stafford, has removed entirely the Jerningham impediment respecting the right to the barony of sir William Howard: but had this attainder still remained, though it would have operated against the issue of sir William Howard, it does not seem that it would have legalised the right of Mr. Cooke to the barony, whatever may be the rule of common law with reference to the right of property.

In the Beaumont case, Mr. Stapleton claimed the barony as a sole heir general, contending that the attainder of an ancestor of the other co-heir, rendered the representative of such co-heir incompetent to claim, the same as if there had been a total failure of issue. The Committee of Privileges nevertheless resolved, that the barony was in abeyance. The existence of issue from the other co-heir, though under an incapacity of inheriting, was a proof that the line had not expired; and as the grace of the crown could remove the obstacle, the right was suspended, but not extinguished.

The descent of Mr. Cooke was derived thus:—Richard Stafford Cooke, (the claimant,) son of John, son of John, by Catharine his wife, daughter of Richard, son of John, son of William, son of William Stafford, second son of sir William Stafford, (ambassador to Geneva,) and Dorothy his wife, daughter of Henry, the restored baron Stafford, son and heir of Edward Stafford, duke of Buckingham, earl and baron Stafford, &c., attainted and executed 13 Hen. VIII.

ST. JOHN OF BASING.

Under the article of Poynings, lord St. John, of Basing,* it has been said, that on the decease of the last baron, he left Constance, the wife of John Paulet; Alice, the wife of John Orrell; and John, the son of Joane

* Dorm. & Ext. Baron. Vol. II. p. 440.

Bonvill, his co-heirs general; between whom, the said barony fell into abeyance.

* Journ.
Dom. Proc.
Vol. I. p.
104.

From John Paulet descended sir William, who, by letters patent, dated 9th March, 1538-9, was created baron *St. John*, to hold to him and the *heirs male* of his body. After which, on the 28th of April following, he took his seat in parliament.* This creation was evidently no determination of the abeyance of the ancient barony.

In the reign of Edward VI., he was created, first, earl of Wiltshire, and then marquess of Winchester, with entail to the same course of heirs as the barony of *St. John*.

† Ib. 465.

Collins asserts, that John, eldest son of the marquis, was summoned to parliament in the lifetime of his father, as *baron St. John*, which is certainly correct, as he took his seat in the house† by *that title*, Nov. 22, 1554. His successor was William, his eldest son, the third marquess, who, Collins says, was summoned to parliament in the lifetime of his father, the 17th of *Elizabeth*, by the title of *lord St. John of Basing*: but this is by no means true; for the Journals of the House of Lords do not show that any parliament met *in that year*; he, however, appears to have had summons in the 18th of Elizabeth, before his father died;—but the title by which he took his seat, is only mentioned in the Journals,‡ as *St. John* without additament.

‡ Ibid.

§ Ibid.
Vol. XX. p.
301.

Again; Collins recites, that Charles, third duke of Bolton, in the lifetime of his father, was called up by writ to the House of Peers, by *the title of lord St. John of Basing*, on the 13th April, 1717. Yet the Journals show§ he took his seat on the 2nd March, 1715-16, *as lord St. John only*, and not with any distinction of *Basing*. Hence it is to be inferred, that no determination of the abeyance of the old barony of Poynings baron *St. John of Basing*, ever was made in favour of the Paulet family; and that the writs by which the eldest sons of the marquesses of Winton, or dukes of Bolton, have been summoned to the House of Peers in their fathers' lifetime, was to the seat and place of the first Paulet, baron *St. John*, by patent.

WENTWORTH—p. 584.

After the termination of *the note* at the bottom of this page, make the following very interesting addition.*

Lady Henrietta Wentworth, by the duke of Monmouth, had a son, aged two years at the death of his mother; who was taken under the care of a colonel Smyth, aid-de-camp to the duke; which worthy gentleman brought him up, as his own child, and upon his decease left him his property, and he assumed the name of his foster-father and benefactor. He married Maria-Julia Dalziel, grand-daughter of general James Crofts, natural son of the duke of Monmouth, by Eleanor, daughter of sir Robert Needham, of Lambeth: by her he had a son Ferdinand Smyth, who afterwards took the name of Stuart; whose services and losses in the American war, were long a subject of memorial to the lords of the Treasury. He was a man of talent, energy, and enterprise, whose birth intitled him to a better recompence, and more notice, than was taken of him.

* Ex MS.
Pen. Auct.

NOEL, BARON & VISCOUNT WENTWORTH,

Upon the decease of Martha Lovelace, baroness Wentworth, of Nettleshed, in 1745, without issue,† the barony descended to sir Edward Noel, bart., great-grandson and heir of sir William Noel, bart., by Margaret his wife, second daughter of John, lord Lovelace,‡ by Anne, baroness Wentworth, his wife, daughter and at length heiress of Thomas, lord Wentworth, and earl of Cleveland, who died without surviving issue male in 1667.§

† Dorm. &
Ext. Baron.
Vol. III. tit.
Lovelace.

‡ Ibid.

§ Vide Tab.
Genealog.
Vol. II. p.
584.

This family of Noel was of the same descent with that of the late earl of Gainsborough.||

|| Dorm. &
Ext. Baron.
Vol. III. tit.
Gainsb.

Verney Noel, the first baronet, was so created 6th July, 1660; his eldest

son and heir, sir William, was his successor; from whom the baronetcy descended to

Sir Edward Noel, his great-grandson, who, having become heir thereto, and to the barony of Wentworth, was, in consideration of his merits, advanced to the further dignity of viscount Wentworth, of Wellesborough, in Leicestershire, by letters patent, dated 4th May, 1762. He married Judith, daughter and heir to William Lamb, of Farndish, in Bedfordshire, and Willinsborough, in the county of Northampton, esq., (and by her who died in January, 1762,) had issue Thomas, his son and heir, and three daughters; whereof Judith married sir Ralph Milbank, (and had a daughter Anne-Isabella, who married George Gordon, late lord Byron); Elizabeth married sir James Bland Burgess, but died S.P. in 1779; and Sophia-Susanna, married Nathaniel, lord Scarsdale: she died in 1782, having had issue a son Nathaniel, and a daughter Sophia-Carolina, who married viscount Tamworth, heir-apparent to earl Ferrers.

Thomas, second viscount Wentworth, succeeded his father upon his death in 1774: before then, he had been chosen one of the members for the county of Leicester. He was educated at Brazen-nose college, Oxford, where, in 1773, he obtained the degree of D.C.L. His lordship married in February, 1788, Mary, daughter and one of the co-heirs of Robert, earl of Northington, widow of Edward, earl Ligonier; which lady died before him, and he deceasing in 1815, without legitimate issue, the title of viscount Wentworth is extinct, and the barony in abeyance between the issue of his sisters, Milbank and Curzon.

WHARTON—p. 588.

Philip, fourth lord Wharton, by his first wife, daughter of sir Rowland Wandesford, had an only daughter, Elizabeth, who married the earl of Lindsey. By his second wife, Jane Goodwin, he had Thomas, the next lord. Goodwin, born March 8, 1652, for many years a representative in Parliament for the county of Buckingham, and died in October, 1704.

Arthur,* not mentioned in the printed pedigrees, baptised June 2, 1641, and buried the 15th of March following. Also a son Henry. Likewise four daughters; Anne married to William Carr, esq., who died the 17th of June, 1689—as she did the 26th of May preceding. Margaret married major Dunch; Mary married, first, *Edward*† Thomas, esq.; and, secondly, sir Charles Kemeys, bart. Philadelphia married, first, sir George Lockart, and had a son Philip (mentioned by Grainger). Secondly, captain John Ramsay. By his third wife, *Anne*, (and not Philadelphia) who was buried at Woburn‡ the 17th of August, 1692; he had a son William, who died a bachelor, and was buried at Woburn the 14th of December, 1687; æt. 26.

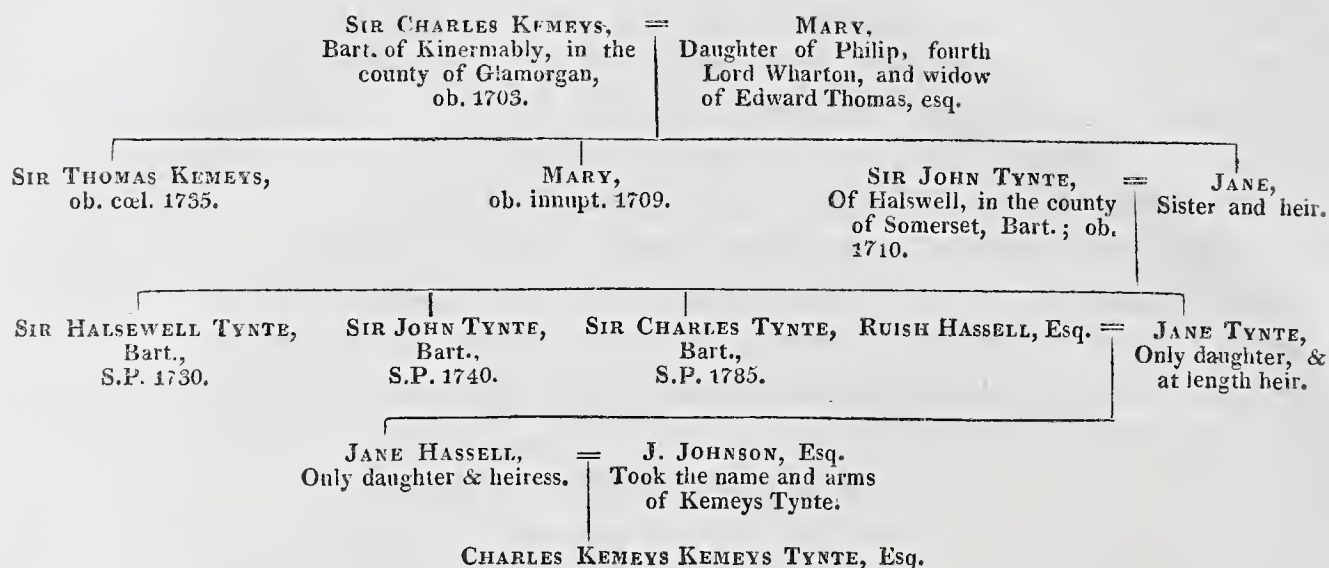
* Woburn.
Reg. Co.
Bucks.

† Ibid.

‡ Ibid.

Thomas, the next baron, who was the first earl and marquess, had an only son, Philip, and two daughters; of these Jane married, first, John Holt, of Redgrave, esq.; and, secondly, Robert, brother to sir Thomas Coke, earl of Leicester, but had no issue. Lucy, the other daughter, married sir William Morice, bart., from whom she was divorced, and died at Bath in Feb. 1738-9.

Upon the death of the said Philip, who was duke of Wharton, that title, with the earldom and marquesate, became extinct; but the barony having been created by writ, is considered to be in abeyance among the issue of his aunts; of these, the present marchioness of Cholmondeley, and her sister lady Willoughby, of Eresby, are the representatives of Elizabeth, the eldest aunt. Charles Kemeys Kemeys Tynte, esq. descended from Mary, another aunt, by sir Charles Kemeys, bart., her second husband, and the issue, if any, be remaining, from Philadelphia, the youngest aunt, by her husband Lockart, or Ramsay.



WILLOUGHBY OF ERESBY—p. 595.

At line 10 from the top, after the words *five sons*, read, *there seems to have been a sixth, viz. Robert*, from the following inscription upon a plate of brass, on an impaired gravestone found in 1774, in the chancel of Bodham church, on the north side the altar.

“ Pray for the sowle of sir Robert Willoughby, late parson of the church of Combes, and son of lord Christopher Willoughby and lady Margery, his wife ; which Robert deceased the xvth day of April, in the year of our Lord 1524.”

ZOUCHE OF HARYNGWORTH—p. 625.

This barony has been taken out of abeyance, and given to sir Cecil Bishop,* the claimant, (of whom mention has been before made,) and he has accordingly been summoned to Parliament as baron Zouche, of Haryngworth. At present, he has no issue male surviving; his eldest son, lieutenant-colonel Cecil Bishop, (who married one of the daughters of the late marquess Townshend, but had no issue) highly distinguished himself in the military service of his country, particularly in the Peninsula, and in America, where he died in July, 1813, of a wound received as he was about to reembark his detachment, after a successful enterprise, in which he destroyed the American stores and establishments at Black-Rock, on the frontiers of Upper Canada.

* Gazette,
July, 1815.

The barony is thus likely, by an heir female, to descend into the family of Curzon, or some other, and thereby merge the present name of Bishop; or, not improbably, it may again fall into abeyance; in which latter instance, the author of this work, or his maternal heirs, may, at a future day, prove a co-claim thereto.

APPENDIX TO VOL. III.

ADDITIONS AND EMENDATIONS.

 *The Titles thus marked (*) are additions since the former Work.*

* *ANCASTER.*

THE family of Bertie, which by this title eventually attained the highest degree of rank in the British peerage, is certainly of very ancient descent ; but without indulging in the flights of fancy of those genealogists who have pretended to trace it from Leopold de Bertie, constable of Dover Castle, in the reign of king Ethelred,* it may be sufficient to begin with

* Collins's.

Thomas Bertie, of Bersted, in Kent, who was captain of Hurst Castle, in the Isle of Wight, who was living in the reign of Edward VI., as appears by a grant of arms and crest made by Thomas Hawley, Clarencieux king of arms, dated July 10, 1550, (4 Edw. VI.)—he had issue

Richard Bertie, a person of eminent learning, who married Catherine, the widow of the famous Charles Brandon, duke of Suffolk, which lady was, by descent, baroness Willoughby, of Eresby, in her own right, as has been already noticed under that article in a former volume,† where her, and this Richard's sufferings and persecutions, have been fully set forth.

† Dorm. and
Ext. Baron.
Vol. II.

He died in 1582, aged 64, having survived the duchess, his wife, two years, she having deceased in 1580, and was buried with her in the church of Spilsby, in the county of Lincoln. They had issue an only son, Peregrine ;

and a daughter, Susan, married first to Reginald Grey, earl of Kent; and, secondly, to sir John Wingfield. This

* Journ.
Dom. Proc.
Vol. II.
p. 21.

† Fragm.
Regal. p. 39.

Peregrine, the first Bertie baron Willoughby, of Eresby, on the death of his mother, claimed the said barony, which was allowed to him, and he took his seat as such, in the House of Lords, January 16, 1580,* his father being then living. His lordship highly distinguished himself as a military commander in the Netherlands and elsewhere, during the reign of queen Elizabeth, and was, as sir Robert Naunton says† of him, "*one of the queen's first swordsmen, and a great master of the art military.*" He died in 1601, and was interred at Spilsby. His wife was Mary, daughter to John Vere, earl of Oxford, sister and heir of the whole blood, to Edward, the seventeenth earl of Oxford, by which great match he brought into his family, not only an illustrious descent in blood, but the high and distinguished office of hereditary lord great chamberlain of England. He had issue five sons,—Robert, Peregrine, Henry, Vere, and Roger; all named in the will of their father. Of these,

Robert, second lord Willoughby, of Eresby, in the first of James I., claimed the earldom of Oxford, and also the baronies of Bolebec, Sandford, and Badlesmere; together with the office of great chamberlain, as heir general, against Robert, the nineteenth earl of Oxford, heir male of the Vere family.

The title of earl of Oxford was decided against him, the baronies were reported to be in abeyance, but the office was allowed to him, which has ever since continued to his heirs general. To make amends for the failure of his claim to the Oxford title, he was afterwards, by king Charles I. created earl of Lindsey, by letters patent, dated November 22, 1626.

In gratitude for the favours he received from his royal master, he firmly adhered to him on the breaking out of the civil war; and being general of (or, as Clarendon says, rather serving in) the king's army at the battle of Edge-Hill, he was there mortally wounded, and died shortly after. He married Elizabeth, only child of Edward, the first lord Montague, of Boughton,^(a)

(^a) Under Willoughby of Eresby, Vol. II. she is called daughter and heir of lord Montague, which is to be considered on the part of her mother, but not of her father, who had issue male by another wife.

by Elizabeth, his first wife, daughter and heir of sir John Jefferies, chief baron of the Exchequer, and by her had eight sons and five daughters. Of these, Roger the second, was a knight of the Bath, at the coronation of Charles I., and had a son Robert, who died in 1698, without issue. Robert, the third son, was ancestor to the present earl of Lindsey; and the eldest,

Montague, second earl of Lindsey, succeeded his father; as this family is not extinct, but only its superior titles of marquess and duke, it may be sufficient here to observe, that this nobleman married to his first wife, Martha, daughter to sir William Cockayne, of Rushton, in Northamptonshire, (relict of John Ramsay, earl of Holderness,) by whom he had five sons; and to his second wife, married Bridget, daughter and heir of Edward Wray, esq., by Elizabeth his wife, daughter and heir of Francis Baron Norris, and earl of Berkshire, by which lady he had James Bertie, who, in right of his mother, became baron Norris, and was afterwards created earl of Abingdon.

Robert, third earl of Lindsey, and eldest son of his father by his first wife, on 29th Dec. 1706, was created by queen Anne, marquess of Lindsey; and in 1715 was, by king George I., advanced to the dignity of duke of Ancaster, and of Kesteven, in the county of Lincoln, by letters patent, dated 20th July.

His grace died in 1723, and was succeeded by his eldest son,

Peregrine, second duke of Ancaster, who married Jane, one of the four daughters and co-heiresses of sir John Brownlow, of Belton, in Lincolnshire, bart., and by her had three sons, Peregrine, Albemarle, and Brownlow; also two sons, Robert and George, who died infants.

Peregrine, third duke, succeeded his father in 1736: by his first duchess, he had no issue; but by his second, Mary, daughter of Mr. Thomas Panton, of Newmarket, he had Peregrine Thomas, who died young; Robert, his heir; and three daughters, Mary-Catharine, who died in 1767; Priscilla-Barbara-Elizabeth, now baroness Willoughby, of Eresby; and Georgiana-Charlotte, the present marchioness of Cholmondeley. His grace died in 1778, when his only son,

Robert, fourth duke of Ancaster, was his successor: he died shortly

after in 1779, unmarried, whereupon the barony of Eresby fell into abeyance between his sisters, who became also intitled to the office of great chamberlain of England; but his uncle Brownlow was his heir to his entailed honours. This

Brownlow, fifth duke, married, first, Henrietta, daughter of Morton Pitt, esq., but she died S.P., and his grace remarried with Mary Anne, daughter of major Peter Layard, and by her, who died in 1804, had an only daughter Mary-Elizabeth, who married in 1793 the viscount Milsintown, son and heir to the earl of Portmore. His grace died in 1809; when, having no issue male, and all issue male of the body of Robert, the first marquess of Lindsey, and duke of Ancaster and Kesteven having failed, those titles became extinct; but the earldom of Lindsey devolved upon general Albemarle Bertie, as heir male of the body of Robert, first earl of Lindsey, whose claim having been allowed (without going before a Committee of Privileges), he took his seat accordingly in the House of Lords, in January, 1810.

* *ALTON.*

In 1694, Charles Talbot, earl of Shrewsbury, was created marquess of Alton and duke of Shrewsbury, both which titles expired with him, as under the article of Shrewsbury may be more fully seen.

ANGLESEY—p. 11.

Elizabeth, wife of Christopher Villiers, earl of Anglesey, survived him, and remarried with Benjamin Weston, of Walton-on-Thames, esq., and at her death was buried at Walton, where her body was discovered about

the year 1710, in a mouldered state; but some ribbons were found upon her wrists in a very perfect state.*

* Topog.
Vol. III. p.
305.

ARLINGTON— p. 23.

By the omission of a line of descent in the table of this family, the printer has made Henry, earl of Arlington, *son* instead of *grandson* of sir John Bennet, the judge of the Prerogative Court: his father was sir John Bennet, who, by Dorothy Croft, had issue the said earl, &c., as mentioned in the table.

* *ASHBURTON*.

John Dunning, the founder of the honours of his family, was the son of an attorney at Ashburton, in Devonshire, who possessed a small landed estate. He was born in 1731, and discovering great quickness in the lower departments of the law, was afterwards called to the bar, and soon rose into great practice, by the force of his uncommon ingenuity. He was one of the most popular pleaders of his day, and having attached himself to the then earl of Shelburne's politics, he was brought into parliament for the borough of Calne. In 1767, he was appointed solicitor-general, but in 1770 was superseded therein by the change of administration. At length, when lord North was driven from power, and the Shelburne and Rockingham party succeeded thereto, he was, in April, 1782, advanced to the dignity of a peer of the realm, by the title of lord Ashburton, and in July following was appointed chancellor of the dutchy of Lancaster—a place of far less emolument than the income he had been gaining from his professional practice. He did not survive his advancement long, for he died the 18th August, 1783, having, as it is said, accelerated his death, by excessive

grief for the loss of his eldest son, who died in the April preceding, aged about seventeen months. His lordship married in 1780, Elizabeth, daughter of John Baring, esq. (who survived him, and died in 1809), by whom he had a son John, born in October, 1781, who died young, as before-mentioned; and another son Richard Barre Dunning, born 20 Sept. 1782.

Richard Barre, second lord Ashburton, was so named after the celebrated colonel Barre, the political friend of his father, and a man of great merit. After a preparatory education in England, he repaired to Edinburgh, and was a cotemporary with lord Henry Petty in that university. He seems to have become so fond of Scotland, that he not only married a lady of that country, Anne, daughter of William Cunningham, of Lainshaw, esq., but took up his residence, and purchased an estate in that kingdom. His lordship never made any political figure, and is said to have died at Friars-Hall, Roxburghshire, in February, 1823, without issue male, when his title became extinct.

* *BARHAM.*

The family of Middleton is of very ancient and noble degree in Scotland. The earl of Middleton was principal secretary of state to James II., at the time of the duke of Monmouth's rebellion,* and forfeited all his honours, by his adherence to that monarch.

Charles Middleton, lord Barham, the founder of his honour, is said to have been descended from George Middleton, a nephew of the earl of Middleton; which George had two sons, John and Robert: of these, the latter was collector of the port of Dundee, and married Ellen, daughter of Charles Dundas, (a relative to Henry, first viscount Melville). The second son of this marriage was the said Charles Middleton.

His lordship entered early into the navy,—was a post-captain in 1758, a rear-admiral in 1790, and, at length, became one of the oldest admirals in the service; for nearly forty-years he enjoyed lucrative places at home; in

* Passp. with the Autog. of the Earl, Pen. Auct. 1685.

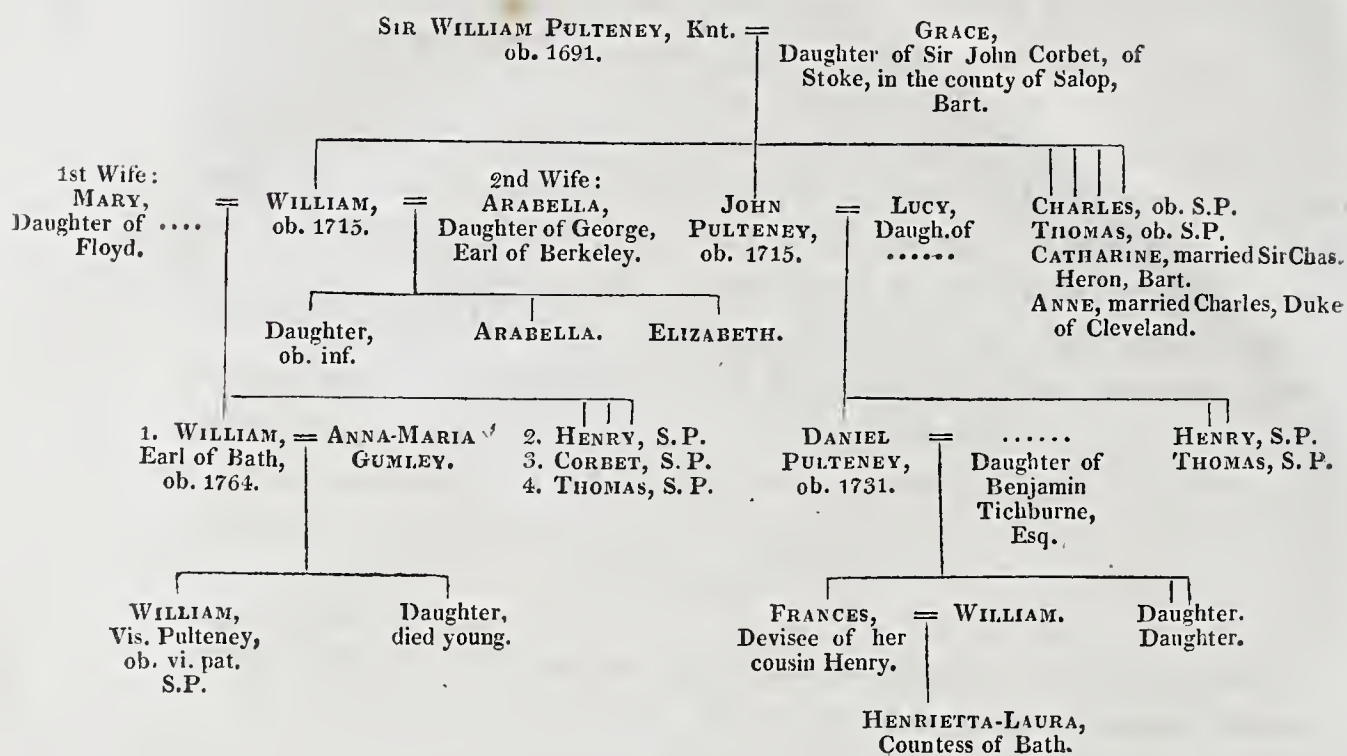
1781, he was created a baronet, (being then comptroller of the navy,) with remainder to his son-in-law, Gerard Noel Edwards, of Ketten, in Rutlandshire, esq., and his heirs male by Diana his wife, daughter to the said sir Charles ———; in 1805, he was appointed first lord of the Admiralty, in the room of lord Melville, and he was created baron Barham, of Barham and Teston, in the county of Kent, with limitation, in default of issue male, to his daughter, Diana (before mentioned), and the heirs male of her body. He married Margaret, daughter of James Gambier, esq., but had no other issue than one daughter, to whom, on his death in 1813, the barony devolved, under the limitation of the creation.

* *BATH*— p. 64.

Upon the death of William, earl of Bath, as already mentioned, without surviving issue, his titles became extinct; but his brother, general Henry Pulteney, inherited his great fortune, and died in 1765, leaving his vast estates to his cousin Frances, daughter of Daniel Pulteney, esq., (a very considerable political character in his day,) and wife of William Johnstone, esq., who, on succeeding to the said Pulteney estates, took the name of Pulteney, and was created a baronet. He died in 1805, leaving issue an only daughter,

Henrietta-Laura Pulteney, who, in 1793, was created baroness of Bath, in the county of Somerset, with remainder to the heirs male of her body; and, in 1803, was advanced to the further dignity of countess of Bath, with the like limitation. She married, in 1794, sir James Murray, bart., a lieutenant-general in the army, and afterwards, for a time, secretary at war; but her ladyship died in 1808, without issue, and her titles became extinct.

APPENDIX TO VOL. III.



* BOWES.

John Bowes, tenth earl of Strathmore, in Scotland, was by letters patent, dated 7th August, 1815, created a peer of Great Britain, by the title of baron Bowes, of Streatham Castle, in the county of Durham, and of Lunedale, in the county of York, with limitation to the heirs male of their body.

His lordship was son and heir of John Lyon, ninth earl of Strathmore, by Mary-Eleanor his wife, only child and heiress-at-law of George Bowes, of Streatham Castle, and Gibside, in the county of Durham, esq. by Mary, the daughter and heiress of Edward Gilbert, of Paul's-Waldenbury, in the county of Hertford, esq. This marriage with Miss Bowes was in 1767; and his lordship, pursuant to a covenant in the marriage settlement,

obtained an act of parliament that he and his issue should take the surname of Bowes, next before and in addition to that of their titles of honour. The earl died 7th March, 1776, leaving the countess surviving, who afterwards married the well-known Mr. Stoney, who thereupon took the name of Bowes. His lordship had issue three sons; *viz.* George, who died 26th December, 1806, S.P.; Thomas, of Caldicote-Hall, in the county of Leicester, esq.; and John, his eldest son; which

John, tenth earl of Strathmore, and the first baron Bowes, of Streatham Castle, was born 11th April, 1769. He was for several years in the army, in the Oxford Blues, and afterwards in the line.

Previously to becoming an English peer, he was one of the sixteen representative peers for Scotland in several sessions of parliament. His lordship died 2nd July, 1820, having the day before married at St. George's, Hanover-square, one Mary Milner, by whom he had had a son, baptized at Chelsea, 29th June, 1811, by the name of John Bowes, who, upon his father's decease, claimed (by his next friend, Mr. Farrer,) the earldom of Strathmore, as entitled thereto under the Scotch law of legitimation, where the father shall afterwards marry the woman by whom he had previously had his children. This claim was referred to the Lords' Committees of Privileges, but was decided against him the 28th June, 1821; so that Thomas, the only surviving brother and heir male of the earl, succeeded to the Scotch dignity, and the English barony of Bowes became extinct.

* *BULKELEY.*

This is a very ancient family, originally settled in Cheshire, where, in the reign of king John, they possessed the manor of Bulkeley, which, by an heir female of the elder line, passed in marriage to the Holfords; but from a younger branch descended

William Bulkeley, who, in the time of Henry VI., was constable of Beaumaris Castle, in Anglesey; his grandson, sir Richard, was of Beaumaris, and chamberlain of North Wales, in 1534; his son, another sir

Richard, was also chamberlain of North Wales, and was knighted in 1576. He was twice married, and had a numerous issue of sons by each wife :— of these, Lancelot Bulkeley, the sixth by the second wife, was archbishop of Dublin, and dying in 1650, was buried in St. Patrick's cathedral ; his eldest son William, archdeacon of Dublin, was father of sir Richard, created a baronet 24th September, 1682, whose son, sir Richard, the second baronet, having an only son, who died young ; and his younger brother, John, having also had an only son, who died an infant, the baronetcy became extinct for want of male issue.

Sir Richard Bulkeley, son and heir of sir Richard by his first wife, was knighted by James I., and died in 1621. He was twice married ; his second wife was Mary, daughter of William, lord Borough (of Gainsborough), by whom he had two sons ; of which, the second,

Thomas, was seated at Baron-Hill, near Beaumaris ; and for his special loyalty to Charles I., was, by patent, dated at Oxford, 6th January, 1643, created viscount Bulkeley, of Cashel, in the county of Tipperary. He married, first, Blanch, daughter to Robert Coytmer, esq., of Coytmer, in the county of Carnarvon ; and, secondly, the daughter of *his steward*, one Cheadle, but by her he had no issue, and is supposed* to have died by poison. His issue were five sons and four daughters. Of the sons, Richard, his heir-apparent, was treacherously killed by Richard Cheadle, (who was afterwards executed at Conway) : he married Catharine, daughter of sir Roger Mostyn, of Mostyn, knt., but had no issue. Robert succeeded to the title. Thomas was of Dinas, in Carnarvonshire, and married Jane, daughter to Griffith Jones, of Castlemarch. Henry, fourth son. Edwyn, fifth, died unmarried.—Of the daughters, Catharine, married Richard Wood, of Rosmore, esq. Lumley was wife of Piers Lloyd, of Lisgeway, esq. Mary was second wife to sir Roger Mostyn, the first baronet. Penelope was the youngest.

* Lodge's
Ir. Peer.
Vol. III. p.
43.

Robert, the second viscount, was a representative in parliament for Anglesey, till his death in 1688 : he married Sarah, daughter of Daniel Herve, of Coombe, in Surry, esq., and had three sons ; *viz.* Richard, his heir ; Robert, LL.D. ; and Thomas. Also six daughters, whereof Elizabeth married John Griffith, of Glyn, in Carnarvonshire, esq. ; Martha,

Roger Price, esq.; Penelope; Lumley; Eleanor was wife of sir William Smith, of Vinall, bart.; Catharine.

Richard, third viscount, was vice-admiral of North Wales. He also was a representative in parliament for Anglesey till his death in 1704. His first wife was Mary, daughter of sir Philip Egerton, of Egerton and Oulton, knt.; his second, was daughter of Henry White, of Hawthlin, in Pembrokeshire, esq. His son and heir,

Richard, fourth viscount, like his predecessors, was chamberlain of North Wales, constable of Beaumaris castle, and representative in several parliaments for Anglesey. He died in 1724. His lady was Bridget, daughter of James, the first Bertie, earl of Abingdon, by whom (who survived him, and died in 1753;) he had two sons, Richard and James; and six daughters; *viz.* Bridget, died unmarried; Eleanor, married George Harvey, esq.; Anne, married William Bertie, D.D., brother to Willoughby, earl of Abingdon; Elizabeth, married William Price, esq., — Lumley; Sarah.

Richard, fifth viscount, married, in 1731, the daughter and heir of Lewis Owen, of Penierth, in Merionethshire, esq., but had no issue, and dying in 1738, was succeeded by his only brother,

James, sixth viscount, who filled the official situations of his ancestors, and, in August, 1749, married Emma, only daughter and heiress of Thomas Rowlands, of Cayney, in Anglesey, esq., by whom he had a daughter Bridget, who died in the prime of youth; Eleanor-Maria, who died an infant; and his lordship deceasing in 1752, left his lady surviving, and a posthumous son born in December, 1752.

Thomas James, seventh viscount, only son of his father, was lord-lieutenant of the county of Carnarvon, and being a person of fortune, and parliamentary influence, was created an English peer in 1784, by the title of lord Bulkeley, baron of Beaumaris, in the county of Anglesey, with limitation to the heirs male of his body; but his lordship dying S.P., in May, 1822, his English honour has become extinct. He married Elizabeth-Harriet, only daughter and heiress of sir George Warren, K.B., and, by royal license, assumed the name and arms of Warren, in addition to those of Bulkeley.

* *BUTLER OF LANTHONY.*

* Dorm. &
Ext. Baron.
Vol. III. p.
125.

Upon the death of Charles Butler, earl of Arran, and lord Butler, of Weston,* S.P., (^b) his estates devolved, after the death of his sister, the lady Emilia Butler, on his collateral heir male John Butler, of Kilcash, esq., *viz.*

Richard Butler, of Kilcash, esq., a younger brother to James, first duke of Ormond, was a reputed lieutenant-general of the rebels, and acted with great rigour in that station, and died in 1702-3, having had issue by Frances, daughter of Mervyn, earl of Castlehaven, a son Walter, who died in his lifetime (about 1700), leaving three sons, Thomas, of Kilcash; John, of Garryricken; and Christopher, titular archbishop of Cashell.

Thomas, the eldest son, was a colonel of foot in the army of James II., and died in 1758, having married Margaret, daughter of the earl of Clarickard, and had issue several sons, whereof John, the only surviving one was of Kilcash, and died in 1766 without issue; on which event, the estates devolved upon his first cousin, Walter, son of his uncle John, of Garryricken; which Walter was of the castle of Kilkenny, and died in 1783, having had John, his son and heir, member in parliament for the county of Kilkenny, in whose favour the attainder of the honours was at length reversed, and he was restored to the earldom of Ormond in 1791. He died 19th December, 1795. His countess was Anne, daughter and heir of John, earl of Wandesford; by which lady (whom he married 26th February, 1769,) he had, first, Walter, born in 1770; secondly, John Wandesford, born 1772, died 1796; thirdly, James Wandesford, born 1773; and fourthly, Charles, born 1783.

Walter, the eldest son, succeeded to the paternal honours; and in 1801 was created baron Butler, of Lanthony, in the county of Monmouth. He

(^b) He resided much at his seat at Bagshot park. He had a natural son, commodore Butler, who died about forty years ago, leaving a son, who became resident in Hampshire.

married Anna-Maria-Price Clarke, daughter of Job-Hart-Price Clarke, of Sutton Hall, in Derbyshire, esq., by Sarah his wife, sister to Godfrey Bagenal Clarke, esq.

In 1816, his lordship was further advanced to the dignity of marquess of Ormond; but this honour, with the barony of Butler, became extinct on his lordship's death in 1820, without issue.

* *COLLINGWOOD.*

Cuthbert, lord Collingwood, was born about the year 1750; his father Cuthbert was of Ditchburne, in Northumberland, where the name is ancient, and well known in Border history: the son was brought up in the navy; and after serving some time with his near relative, captain Thomas Collingwood, on board the *Crescent*, he became, in 1780, a post-captain, and in 1799 a rear-admiral. During the engagement with the Spanish fleet, off Cape St. Vincent, he commanded the *Excellent* of 74 guns, and conducted himself with skill and bravery; as he had previously behaved in the celebrated action of the 1st of June, when the French fleet was so memorably defeated by earl Howe; on which occasion captain Collingwood acted as captain to rear-admiral Bowyer, on board the *Barfleur*. In 1805, being vice-admiral in the fleet under the gallant Nelson, he commanded the *Royal Sovereign* of 100 guns, and with his division broke through the enemy's line, and participated in all the glory of the battle of Trafalgar, at the conclusion of which, he found himself the commander-in-chief of the British fleet. His dispatches to government, communicating that transcendent victory, were written in the most feeling strain, where he detailed the fate of the day, and the fall of his noble friend and companion, the undaunted Nelson. For his services he was rewarded with the peerage, and by letters patent, created baron Collingwood, of Colburn, and Hethpool, in the county of Northumberland.

Moreover, to commemorate this glorious achievement, the king was pleased to grant him the following honourable augmentation to his family arms; *viz. A Chief wavy, thereon a Lion passant, guardant, and navally*

crowned, with the word "Trafalgar." And also, in addition to the family crest, the following; *viz. The Stern of a Man-of-war, representing the Royal Sovereign, between a Branch of Laurel, and a Branch of Oak.*

His lordship married Patience, daughter and co-heir of Erasmus Blacket, esq., an alderman of Newcastle-upon-Tyne, and had issue two daughters; but not having any male issue, his title became extinct on his death in 1810.

CONWAY—p. 206.

After the word *Catharine*, at line 10 from the top, read, This lady was daughter of Giles Hambler, of Ghent, relict of Richard Fust: she was *second wife* to the first lord Conway, who, with her, by their deed, dated 12th May, 1625 (1 Cha. I.), released all interest and right of dower in the estate of her husband Richard Fust, in favour of Edward, son and heir of the said Richard, by Anne Hyde, his first wife.

* Vide Lyons' Envir.
Vol. II. p. 5.

The lady Conway was buried at Acton, in Middlesex, 30th June, 1639.*

CORNWALL—p. 211.

At line 14 from the top, after, *without issue*, read, Earl Edmund and his wife Margaret were separated, when she, in the presence of the bishop of Rochester, was restrained to live single.†

† Pat. Rot.
22 Edw. I.
m. 22.

* DOUGLAS OF AMBRESBURY.

† Crawford's
Douglas,
&c.

If birth alone could confer dignity, no family can probably boast a more ancient, or noble descent than the Douglas, which, in the Scotch Peerage Histories ‡ may be seen most elaborately detailed.

William Douglas, grandson of William, the first duke of Queensbury, was born in 1725, and was well known by the title of earl of March, until October, 1778, when he succeeded to the dukedom of Queensbury. In 1786 he was created an English peer, by the title of baron Douglas, of Ambresbury, in the county of Wilts. His habits and manners having been for upwards of half a century so well known in the fashionable world, and, indeed, by the public at large, they do not require elucidation. He was considered to have great taste for music, as he most conspicuously had for the turf; on which he is said to have once rode his own horse at Newmarket in 1756, and to have run a match against time with the celebrated count Taaffe, and on both occasions was the victor.

His grace died unmarried in 1810, when his English barony became extinct. The dukedom devolved upon the heir-general, the duke of Buccleugh; and the marquessate of Queensbury upon the heir male collateral.

* *EFFINGHAM.*

This family is a younger branch of the ducal house of Norfolk, being descended from William, son of Thomas, the second duke by his second wife; which William, by queen Mary, was created baron Howard of Effingham; and his son and heir Charles, the celebrated admiral of the English navy against the Spanish Armada, was created earl of Nottingham by queen Elizabeth, which earldom becoming extinct in 1681,* the barony of Effingham still remained, and descended to the then next heir male † (c).

* Dorm. and
Ext. Baron,
Vol. III.
p. 580.
† Ibid.

(c) The seat of this family was the priory at Ryegate, which was granted to them at the dissolution. Their burial place was on the south side of the communion-table, where is a large vault, in which lie several of the lords Howard of Effingham, and earls of Nottingham. No monument was ever erected to their memory, though in the will of William, the first lord, dated the 6th of May, 11 Eliz. he bequeathed his body to be buried in the chancel at Ryegate, and appointed a tomb to be there erected for him. Some years ago, upon opening the vault for the interment of Richard Ireland, esq. of Ryegate Priory, a leaden coffin, supposed to be

Francis Howard, great grandson of sir William Howard, of Lingfield, a younger son of the first lord ; this Francis, who became the fifth baron, was governor of Virginia in the reign of Charles II., and died in 1694. His son

Thomas, sixth baron, dying in 1725 without issue male, was succeeded by his brother

Francis, seventh baron, who in 1731 was appointed deputy earl marshal for his cousin, the duke of Norfolk, and was created earl of Effingham, in the county of Surry, December 8, 1731 ; he died in 1743, leaving

Thomas, second earl, his only surviving son and heir, who was a lieutenant-general in the army, and married Elizabeth, daughter of Peter Beckford, esq., of Jamaica, by whom (who survived him and died October 13, 1791,) he had two sons, Thomas and Richard, and several daughters. He died in November, 1763.

Thomas, third earl, eldest son, was born January 13, 1746-7. He died governor of Jamaica in November, 1791, and was buried there with public honours ; his countess, who was Catharine, daughter of Metcalfe Proctor, of Thorpe, in Yorkshire, esq. died on board his majesty's ship the *Diana*, on her passage to America for her health, October 14, 1791, and was interred with all due honours at Spanish Town, in Jamaica, having no issue.

Richard, his only brother and heir, succeeded as fourth earl. He married in 1785 Harriett, daughter of John March, esq., of Naresby Park, in Huntingdonshire, and died in 1817 without issue, when the earldom became extinct, and the barony devolved upon major-general sir Alexander Kenneth Howard, K.C.B. descended from lieutenant-general sir Thomas Howard, nephew of Francis lord Effingham, the father of Francis, the first earl.

that of William the first lord, was squeezed almost flat by the weight of two others.—It appeared to be filled with a liquid. The next was that of Charles, earl of Nottingham, and on a brass plate, which was affixed to it, was the following inscription, *viz.* “ Heare lyeth the body of Charles Howarde, earle of Nottinghame, lorde highe admirall of Englande, generall of queene Elizabethes navye royall at sea agaynst the Spanyards invinsible navye, in the yeare of oure Lorde 1588, who departed this life at Haling Hows, the 14th daye of December, in the yeare of our Lorde 1624. *Ætatis suæ .87.*”

EGREMONT—p. 267.

After the words, *terminated with him*, at line 6 from the bottom, add,

The late John Charles Brooke, Somerset herald, before his death stated, that Dr. Thomas Percy had shown him at Norham House, (March 7, 1777,) an original deed, running, *viz.*

Om̃bus X̃ri fidelibz ad quos presens scriptum pervenerit Joannes Piercy miles filius & hæres Thomæ Percy mil' domini dum vixit de Egremont, salutem in Dño, &c.

The Dr. said, he had reason to believe that Thomas lord Egremont was married, and had issue sir John Percy, before mentioned, who, in consequence of the diminution of his fortune in the wars between the houses of York and Lancaster, declined taking his father's title.

* *FAUCONBERG*—p. 295.

Henry earl Fauconberg, who died in 1802, by Charlotte, his first wife, daughter of sir Matthew Lamb, had four daughters, *viz.* Charlotte married to Thomas Wynne, esq.; Anne to sir George Wombwell; Elizabeth to Bernard Edward Howard, esq. (now duke of Norfolk), from whom she was divorced, and afterwards married to colonel Bingham, who succeeded his father as earl of Lucan; and Harriett, who died young in 1783; his second lady was Jane, daughter of John Cheshire, but by her he had no issue. He was succeeded in his titles of baron and viscount by his collateral heir male Rowland, son of Anthony Bellasize, (by Susanna Clarvet) son of Rowland, by the hon. Frances Roper, which Rowland was a younger brother of Thomas, the third viscount.

Rowland, sixth viscount Fauconberg, was born in 1747 ; the estates of the late earl having passed to his daughters and co-heirs, the viscount's fortune was very slender. He was a Catholic, and died unmarried in 1811, and was succeeded by his brother Charles, seventh viscount, who died unmarried in 1815, when the whole of the Fauconberg honours are imagined to have become extinct. This last nobleman was a priest, and one of the chaplains to the Portuguese embassy. He had a younger brother Thomas, who is said to have died in 1810, leaving only female issue five daughters.

* *FIFE.*

James Duff, second earl of Fife, in the kingdom of Ireland, in 1790 was created an English peer, by the title of baron Fife of Fife, in the county of Fife, N.B. His lordship married the lady Dorothea Sinclair, daughter and heiress of Alexander, the ninth earl of Caithness, but died without issue male in 1809, when his English barony became extinct, and his Irish titles descended to his brother.

GLOUCESTER—p. 308.

* Leland's
Itin.
Vol. VII.
p. 91.

At line 15 from the top, after the word *died*, read, as a note—"Leland* says he was buried at Bristol, and that in his tomb was found a writing in parchment concerning the time of his death, and what he was ; which writing, a brewer in Bristol had in his possession."

* *GREY DE WILTON.*

† Dorm. and
Ext. Baron.
Vol. I.
p. 203.

The house of Egerton is sprung from the barons of Malpas, one of the baronies of the Palatinate of Chester, founded at the Conquest ; † the name

was assumed from the manor, which at this day still continues in the possession of the heir male representative of this very ancient family.—The house of Bridgewater is of illegitimate descent.

Sir Rowland Egerton, of Egerton, was the first baronet of his family, who was so created April 5, 1617.—He married Bridget, daughter of Arthur lord Grey de Wilton, and sister and sole heir of the whole blood, to Thomas her brother, who died unmarried in 1614, in the Tower, having been engaged in the plot, called Rawleigh's plot, which gave a pretence to king James to grant the Grey estates to his favourite, George Villiers.

The baronetcy was considered to have been conferred to quiet Egerton for the loss of the barony; but the existence of co-heirs by *the half blood*, which is not excluded in the descent of honours, rendered the title in abeyance, if it was not already forfeited by the attainder. From sir Rowland descended sir Holland, his great grandson, whose eldest son, sir Edward, dying unmarried in 1744, was succeeded by his brother sir Thomas Grey Egerton, whose only son,

Sir Thomas Egerton, baronet, in consideration of his said descent, and by the favour of the crown, obtained the object of his ambition, (and that of his predecessors,) by being created in May, 1784, baron Grey de Wilton, in the county of Hereford; and in June, 1801, he was advanced to be viscount Grey de Wilton, and earl of Wilton Castle, with remainder to the second and other sons successively of Eleanor, his only child, wife of Robert, then viscount Belgrave, (now earl Grosvenor) with remainder to the heirs male of her body, by any future husband.

For what reason he should thus wish to aggrandise another family, already in an high rank of nobility, and leave his paternal family unennobled, must have been best known to himself; suffice it to say, that upon his lordship's death in 1814, the barony became extinct; the other titles devolved according to their limitation; and the baronetcy descended to John Egerton, esq. of Egerton and Oulton, in Cheshire, heir male of the body of Bridget, daughter and co-heir (as before mentioned) of Arthur lord Grey de Wilton.

Sir John has since had his majesty's royal licence to take the name of Grey, in addition to, but before that of Egerton, and to bear the supporters of the Grey de Wilton family.

The late earl Wilton married Eleanor, daughter and co-heir to sir Ralph Ashton, of Middleton, bart. by whom he had issue Thomas, who died an infant; another Thomas, born in December 1780, and died in December 1793; and also a daughter, Eleanor, countess Grosvenor.

* *HAMPDEN*, vide *TREVOR*.

* *HEATHFIELD*.

George Augustus Elliot, a younger son of sir Gilbert Elliot, of Stobbs, in Scotland, bart. entered early into the army, and having gone through the several ranks of the profession with high military fame, was, in 1775, appointed commander-in-chief in Ireland; and soon after governor of the important fortress of Gibraltar, where his long and celebrated defence of that place against the formidable attacks of a large Spanish army, supported by the combined fleets of France and Spain, obtained for him the admiration of the country, and the approbation of his sovereign, who, to reward his meritorious services, advanced him, in 1787, to the peerage, by the title of lord Heathfield, baron Heathfield of Gibraltar; and also granted him permission to bear the arms of Gibraltar, in addition to his own family arms.

He married Anne, daughter of sir Francis Henry Drake, baronet, and dying in July, 1790, æt. 73, was succeeded by his son and heir,

Francis Augustus, second lord Heathfield, who was a lieutenant-general in the army, and died unmarried in January, 1813, æt. 63, when the title became extinct.—John, his brother, having died young.

HEREFORD— p. 452.

In the catalogue of the earls of Hereford, the name of Roger de Bellomont, sirnamed Bossu, has been omitted, which, indeed, has been done by Brooke, Milles, &c. ; but on looking over Vincent, in his correction* of Brooke, and a more recent publication of Nichols, in his history of the County of Leicester, it appears that they say, on the credit of a public record,† that the said Robert having married the daughter and heiress of Ralph Guader, earl of Norfolk, and at length heir of William and Roger de Britolio, earls of Hereford, had the burgh of Hereford, with the castle, and the whole county, excepting the lands of the bishop, given to him by king Stephen, to hold with all rights and privileges, as fully and amply as William Fitz-Osborne ever held the same ; but of all which he was dispossessed by Maud, the empress, who conferred them on Milo, of Gloucester. The record, however, makes no mention of the *title of earl*.

* Vincent
on Brooke,
p. 236.

† Regist.
Mag.
Evidenc.
Ducat.
Lancast.

HERTFORD— p. 364.

At line 10 from the top, after the words *he had*, read, *viz.* a son Henry, father, as contended of John Seymour, who married Jane, daughter of sir Nicholas Poyntz, and by her had issue Thomas Seymour, a gentleman pensioner in the time of queen Elizabeth. He was of Frampton Cotterell, in the county of Dorset, and had a son, sir John, father of Thomas Seymour of Bitton, who had John of Bitton, whose son John was M.D. and was father of Berkeley Seymour, who claimed the title of duke of Somerset, anno 1750, but which claim was reported against by the attorney-general, sir Dudley Rider. ‡

‡ Printed
Case, pen.
Auct.

HUNTINGDON.—p. 401.

This title, since the publication of the former work, has been claimed, and allowed to Hans Francis Hastings, now earl of Huntingdon, as heir male of sir Edward Hastings,* fourth son of Francis, second earl of Huntingdon, all the intermediate male branches of the family having been, in *some way accounted for*, as extinct.

* Dorm. &
Ext. Baron.
Vol. III. p.
398.

JEFFERYS—p. 407.

To the account of the first lord Jefferys add, *viz.*—It is related of him, that he once went down to influence an election at Arundel, and placed himself upon the hustings close to the mayor, who, though he knew the peer, acted, as if he was an entire stranger to his person and rank, while he was rejecting a voter on the court party, as unqualified; Jefferys, after some indecent expressions, declared “*that the man should vote,*” adding, “*I am the lord chancellor of this realm.*” To this the mayor replied, “*Your ungentlemanlike behaviour convinces me that it is impossible you should be the chancellor, for, if you were, you would know that you have nothing to do here, where I alone preside.*” The mayor then ordered the crier to turn that fellow out of court, which he instantly did; nor did Jefferys, ever after, make any revenge.

* *JERVIS OF MEAFORD*, vide *ST. VINCENT*.

* *KEITH OF STONEHAVEN-MARISCHAL.*

George Keith Elphinstone, a younger son of Charles, tenth lord Elphinstone, was brought up in the navy, became an admiral, and by extraordinary good fortune in his profession, rose to wealth and honours. He was first drawn into public notice by the surprise and capture of the Cape of Good Hope, and after that event, had various important and lucrative commands. In 1797 he was created an Irish peer, by the title of baron Keith, of Stonehaven-Marischal, and in default of issue male, to his daughter Margaret Mercer Elphinstone, and the heirs male of her body. In 1801 he was made an English peer by the same title, (in the county of Kincardine,) and in 1802 he was created baron Keith, of Banheath, in the county of Dunbarton; and in default of issue male, to his daughter Margaret Mercer Elphinstone, and her issue male. Furthermore, in 1814, he was advanced to the dignity of viscount Keith.

He married, first, Jane, daughter and heir of William Mercer, esq., of Aldie, in Perthshire, and by her, who died in 1789, had an only daughter Margaret Mercer Elphinstone, before mentioned. He married, secondly, in 1808, Hester Maria, eldest daughter and co-heir of Henry Thrale, of Streatham, in Surry, an eminent brewer, and by her had a daughter Georgiana-Augusta-Henrietta, born in December, 1809. His lordship died in 1823, without issue male, when the viscounty became extinct.

* *KENT.*

His royal highness prince Edward, fourth son to their late majesties George III. and queen Charlotte, was born in November, 1767, and in 1799 was created duke of Kent, and of Stratherne, in Great Britain, and earl of Dublin, in Ireland. Taking to a military life, his royal highness served with great credit under general sir Charles Grey, in the West

Indies. He was, for some time, commander-in-chief of the forces in North-America ; and afterwards was governor of Gibraltar. He was also a field-marshal in the army.

In May, 1818, his royal highness married at Coburg, and again at Kensington-palace, in the July following, the princess Victoria of Saxe-Coburg, dowager of the duke of Leiningen, by whom he had a daughter Alexandrina-Victoria, born at Kensington-palace, the 24th of May, 1819 ; but not having any male issue, his titles became extinct upon his death, which took place in Devonshire, in January, 1820, to the great regret of the public.

* *KESTEVEN*, vide *ANCASTER*.

KINGSTON— p. 436.

After the account of this title, add—

There is reason to believe, that issue male from some of the younger sons of Robert Pierrepont, first earl of Kingston, is remaining in America, (but in very humble stations of life) in the province of Connecticut.*

* Ex Infor.
W. Penn.
Arm.

LEIGH— p. 471.

Instead of the words, *three sons*, at line 9 from the bottom, read, *four sons* ; viz. Rowland, Richard, Thomas, and William.

It is rather singular, that all the printed peerages never mention more than three sons, and leave out *Richard*. But the four, in the above order, are particularly noticed in the will of their father, and in the Inquisitio post mortem taken upon his death.

After the conclusion of the family account, at p. 473, add—

The barony is at present under claim by a Mr. George Leigh, who states himself to be brother and heir to one John Leigh, son and heir of James, the son and heir of Robert Leigh, of Haigh; son of James, of Haigh, who (by the death of his elder brother Robert, without issue, before his father,) was eldest surviving son and heir of *Roger Leigh, of Haigh*, near Wigan, in Lancashire; which Roger is assumed to be son and heir of Christopher, the fourth son of Thomas, the first lord Leigh.

In viewing this descent, the circumstances are of a very peculiar nature. By the will of Edward, the fifth lord, who died unmarried in 1786, he bequeathed his great estates to his sister, the honourable Mary Leigh, for life, with remainder, in default of issue, to the *first and nearest of his kindred who should be male, and of his name and blood*. By virtue of the first devise, his sister Mary took the estates upon her brother's death, and at her own decease in 1806 (unmarried), devised them by her will to the family of Leigh, of Ædlesthorpe, in Gloucestershire, descended from Rowland, eldest brother to sir Thomas Leigh, grandfather of the first lord.

It must be evident, that she had no power to make such a will; but, nevertheless, this will was proved in the Prerogative Court of Canterbury, and the devisees successively entered into the possession accordingly.

The claimant pretends, that his grandfather, Robert Leigh, had once been to Stoneley Abbey, and had been received there by the then lord, *as a relative*. Admitting this point to be true, it remains rather a singular one, that the last lord, with his desire to perpetuate his estates in his male line, after the decease of his two sisters without issue, should not have given his estates to this male branch, instead of bequeathing them in the indeterminate manner by which he entailed them. It is equally singular, that James, the son of this Robert, should not upon the death of Edward, the last lord Leigh, (as he survived him,) have claimed the peerage, which had by that event devolved upon him; nor is it less singular, that, upon the death of the honourable Mary Leigh, the claimant's family should not have immediately claimed, both *title and estate*. At that period, however, the claimant did not know where the honourable Christopher Leigh *was baptized*. *His own documents* stated it to be *at Stoneley*. The fact was

* Copy
Pen. Auct.

otherwise ; and of that he was only informed within these five years, by a person who supplied from his private MSS. the name of the parish in Staffordshire, where it was registered—where Roger, the son of Christopher Leigh, *was born*, or *when* ; or to whom, or when married, the claimant's printed pedigree does not show. From a public record,* it is certain, that *Roger Leigh, of Haigh*, could call himself man in 1657 : and as the honourable Christopher Leigh was not baptized till 1626, there could be only thirty-one years for these gentlemen to have run their nimble course of generation.

The claimants' statement complains, that a family monument to his ancestor Christopher Leigh, has been withdrawn from the parish church of Stoneley. The evidence seems decidedly to prove that there once was such a monument, though all their testimonies do not agree in their description of it, or of its inscription. If such was the case, the purpose for which it has been withdrawn, to suppress the information and proof it might have afforded, cannot but reflect infamy and disgrace upon the party by whom the base abduction was made.

Without entering into the merits of the claim, it may be sufficient to observe, that the case appears to be one which calls for serious investigation, whether it be to unmask an impostor, or to detect, expose, and punish those who, by reason of wealth, rank, and influence, seek to shut out some honest man from the enjoyment of his lawful inheritance.

* *LINDSEY*, vide *ANCASTER*.

LINCOLN—p. 484.

Add to the account of this family, after the words, *no issue*, at line 6 from the bottom, He had, nevertheless, a natural son, to whom he gave the manor of Granchester, near Cambridge ; and enjoined that he and his

heirs, who should be sons, should be ever named *Henry Lacy*. From this stem came the Lacy family, of Granchester.*

* Leland et Thynne, p. 1075.

LUCAS — p. 500.

Charles, second lord Lucas, by Penelope his wife, daughter of the earl of Scarsdale, had two daughters; of which, Anne married the honourable — Carey; and Penelope was wife of Isaac Selfe, of Beanacre, in Wiltshire, esq.: by whom she had two sons, Lucas and Jacob Selfe, who both died S.P.; and a daughter Anne, who eventually was heiress of her family. She married Thomas Methuen, esq., and had an only son Paul, who died in 1795, having married Christian, youngest daughter and co-heir of sir George Cobb, bart., and had issue two sons, Paul Cobb Methuen, his heir; Thomas, who died abroad in his lifetime; and a daughter, Christian, who married Frederick, the present lord Boston.

MALMSBURY vide *WHARTON* — p. 740.

MELCOMBE — p. 512.

To the account of this eminent nobleman, add—

He was son of Jeremias (or Jeremiah) Bubb, an apothecary, in Dorsetshire; was born in 1691, and was educated at Oxford, where he was particularly noticed among the wits; and distinguished himself by this distich; *viz.*

“ Alma novem genuit celebres Rhedejeina Poetas;
Bubb, Stubb, Grubb, Crabb, Trapp, Young, Carey, Tickel, Evans.”

By act, 4 Geo. I. (1717), he and his issue were enabled to take the name of Dodington. Mr. Foot is supposed to have brought his lordship on the stage in 1764, under the name of *sir Thomas Lofty*, in the Patron.

* *MENDIP.*

The right honourable Welbore Ellis, son of Dr. Welbore Ellis, bishop of Meath, in Ireland, by Diana, daughter of sir John Briscoe, by Miss Knollys (otherwise lady Anne Knollys), was of much celebrity during the administration of lord North,* and was well known for a long life as a courtier and a placeman. In August, 1794, he was created baron Mendip, of Mendip, in Somersetshire, with a collateral remainder† to the heirs male of the body of his sister Anne, wife of Henry Agar, esq., of Gowran, in Ireland; *viz.* Henry Welbore Agar, viscount Clifden; honourable and reverend Ellis Agar; the honourable Charles Bagnal Agar; Welbore Ellis Agar, esq.; and Charles, archbishop of Cashell, in Ireland.

* Parliam.
Hist.

† Lond. Gaz.

His lordship married the sister of Hans Stanley, of Poultons, in Hampshire, esq., but died S.P. in 1802, when the barony passed, according to the limitation of the aforesaid patent to his great nephew viscount Clifden, and the name of Ellis has been superadded on that event.

MONTAGUE — p. 529.

This title is at present under claim by a Sussex gentleman, who derives himself from a younger son of John, the second grandson of Anthony, the first viscount, by his eldest son Anthony Browne, who died *vitâ patris*.

MULGRAVE — p. 544.

The previous account of this conspicuous family admitting of further elucidation, the following account, commencing with the third nobleman, compiled from authentic documents, may tend to show its descent, and the line of the heir-general representative, in a more clear and perfect point of view.

Edmund, fifth baron, and the first earl, was made a knight of the Bath at the coronation of queen Elizabeth in 1558, and was installed a knight of the Garter in 1593: he died at Butterwick-house, at Hammersmith, and was there buried in October, 1646. His first wife was Ursula, daughter of sir Robert Tyrwhit, of Kettleby, in Lincolnshire,—of whom hereafter. His second was Mariana, daughter of sir William Irwin, by whom he had three sons and two daughters; *viz.* first, Margaret married sir Simon Thelwall; and, secondly, Sarah, who died innupt. Of the three sons, Thomas and Robert died S.P.; but James, of Kensington, the eldest, married Jane, daughter of sir William Cockayne, and died in 1664, leaving issue by her (who died in September, 1683,) six sons; *viz.* Edmund, who died 1675, S.P.; William, died 1686, S.P.; James, died 16—, S.P.; Charles, and John, died *infra ætat.*; and Robert, of Kensington, who married Mary, daughter of Thomas, viscount Fanshaw, and died ante 1720, having had issue by her—Edmund, who died S.P., in February, 1679; Jane, who died S.P., in February, 1696; and Mary, who also died S.P., in September, 1704.

The earl of Mulgrave had issue, by his first wife, Ursula Tyrwhit, six sons and nine daughters; *viz.* first, Charles, drowned, circa 1600, in *vitâ patris*, *cœlebs*; second, sir John Sheffield, K.B., drowned 3rd December, 1614, in passing the river Ouse, at Whitgift Ferry, in Yorkshire,—of whom presently; third, sir Edmund, a knight of the Bath in 1610, and drowned in 1614, with his brother, sir John: he married Elizabeth Darley, and left an only child, Ursula Sheffield, married to — Hutton, of the county of York; fourth, William, drowned in France, in *vitâ patris*,

cœlebs : fifth, Philip, drowned with his brothers, sir John and sir Edmund, unmarried ; sixth, George, killed in a riding-school, in vitâ patris, cœlebs. Of the daughters,—first, Magdalen, died unmarried ; second, Elizabeth, married, first, sir Edward Swift, of Rotherham, in the county of York, the elder brother, by the first marriage, of Barnham Swift, created, in 1627, viscount Carlingford ; and, secondly, sir John Bouchier ; third, Mary, to Ferdinand, second lord Fairfax, of Cameron, and had issue sir Thomas, third lord Fairfax, who, in 1645, was made general-in-chief of all the parliamentary armies, and died in 1671, leaving an only child, Mary, married to George Villiers, second duke of Buckingham, K.G. ; fourth, Frances, to sir Philip Fairfax, a younger son of Thomas, first lord Fairfax ; fifth, Tryphena, to George, the fourth son of sir Richard Verney, of Compton-Murdach, in the county of Warwick, whose grandson, sir Richard Verney, succeeded as lord Willoughby de Broke ; sixth, Douglas ; seventh, Dorothy ; eighth, Ursula ; and, ninth, Anne, all of whom died unmarried.

Sir John Sheffield, K.B., was, during his father's lifetime, drowned in the river Ouse, on the 3rd of December, 1614, as already stated, together with his two brothers, sir Edmund and Philip, the boat being overset by an unruly horse. He married Griseld, daughter of sir Edmund Anderson, of Flixborough, in the county of Lincoln, who, temp. Elizabeth, was lord chief-justice of the court of Common Pleas, and had issue one son, Edmund, second earl of Mulgrave, heir to his grandfather, in 1646, and four daughters ; viz. first, Douglas, died innupt. ; second, Magdalen, of whom presently ; third, Ursula, died innupt. ; and, fourth, Anne, died innupt. Magdalen Sheffield, the second daughter, married, in 1625, Walter (Fitz-Robert) Walsh, of Castle-Hoel, in the county of Kilkenny, and had issue two sons, Edmund and Hoyle, and two daughters, *Elizabeth* and *Ursula*. First, Edmund Walsh, of Castle-Hoel,—of whom presently ; second, Hoyle Walsh, married a French lady, but died S.P. Of the two daughters—first, *Elizabeth Walsh*, the eldest, married John Grace, baron of Courtstown, and had issue two sons ; viz. first, Robert Grace, of Courtstown, whose son John was father of Robert, the last male of the line of Courtstown ; and, second, Sheffield Grace, who died in 1684, leaving issue

by Elizabeth, dowager viscountess Dillon, an only child, Catharine Grace married to Robert, a younger son of Oliver Grace, of Shanganagh, and had issue an only child, sir Edmund Grace, a knight of Malta, who died cœlebs; second, *Ursula Walsh*, the other daughter, married John Bryan, of Bawnmore, in the county of Kilkenny, to whom she was second wife, and had issue two sons and three daughters; *viz.* Walter, Lewis, Mary, Frances, and Elizabeth; all of whom died innupt., except Elizabeth Bryan, the youngest, (afterwards viscountess Mountgarret,) who married Oliver Grace, of Shanganagh, in the Queen's County, M.P., chief remembrancer of the Exchequer of Ireland, and had issue Michael Grace, of Gracefield, who, together with his kinsman, Robert Grace, the last male of the Courtstown family, eventually succeeded, as coheirs at law, to the undivided estates of the late duke of Buckingham. We will now return to Edmund Walsh, of Castle-Hoel, (the eldest son of Walter Walsh and Magdalen Sheffield,) who married Margaret, daughter of Oliver Grace, baron of Courtstown, and had issue several children, whereof Robert alone survived him. Robert Walsh married Mary, daughter of sir Robert Walsh, of the county of Waterford, and had issue one son and two daughters; *viz.* Walter Walsh, who, in 1737, died cœlebs, in London, and in him terminated the elder branch, in the *male line*, of the Castle-Hoel family; the lords Walsh, and counts Walsh de Serant, in France, being descended from James, the third son of Walter Walsh, of Castle-Hoel, which Walter Walsh died 1619, and was the grandfather of Walter Walsh, who, in 1625, married Magdalen Sheffield. Of the two daughters—first, Margaret Walsh, married John Daly, of Cork, but died S.P.; and, second, Magdalen Walsh, died innupt.

On the death of Walter Walsh, in 1737, and of his two sisters, Margaret and Magdalen, all the descendants of the issue of Walter Walsh and Magdalen Sheffield were wholly extinct, excepting those of their two daughters, Elizabeth and Ursula, above mentioned; *viz.* the Courtstown and Gracefield families of Grace, who thereupon consequently became the co-representatives of the Walsh family; and, on the death of the said Magdalen Sheffield's grand nephew, Edmund Sheffield, the last duke of

Buckingham and Normanby, they became likewise the co-representatives of her illustrious house, as will appear presently.

Edmund, second earl of Mulgrave, succeeded his grandfather in 1646, and died on the 24th of August, 1658, having married Elizabeth, second daughter of Lionel Cranfield, first earl of Middlesex, lord high-treasurer of England, by whom he had issue one son, John, first duke of Buckingham, his successor, and a daughter, Elizabeth, who died young. Elizabeth, countess of Mulgrave, married, secondly, John Bennet, first lord Ossulston, father of Charles, earl of Tankerville, but had no issue.

John, third earl of Mulgrave, and first duke of Buckingham and Normanby, so created in March, 1702, installed K.G. in 1674; and created marquess of Normanby in 1694. He married, first, Ursula Stawell, widow of Edward, earl Conway, by whom he had no issue; and, secondly, Catharine Greville, widow of Baptist, earl of Gainsborough, by whom he had no issue; and, thirdly, Catharine Darnley, widow of James, earl of Anglesea, and daughter of king James II., by Catharine Sedley, countess of Dorchester and Portmore, and had issue three sons and two daughters; *viz.* first, John, died *infra æt.*, 1710; second, Robert, who also died *infra æt.*, 1715; and, third, Edmund, second duke of Buckingham, his successor. Of the two daughters—first, Sophia, died an infant, in 1706; and, second, Sophia Catharina Henrietta, also died an infant, at the age of four years. John, duke of Buckingham, died the 24th of February, 1720, at Buckingham House, in St. James's Park, London, and was buried in Henry VIIth's chapel, in Westminster Abbey.

Edmund, second duke of Buckingham and Normanby, was born 11th of January, 1716, and died at Rome, in Italy, on the 30th of October, 1735, aged nineteen, unmarried, and was interred in his father's vault in Westminster Abbey.

With duke Edmund ended the male line of the house of Sheffield; and Magdalen Sheffield, his grand aunt, being the nearest of his blood, and his next of kin, who had any surviving descendants, her heirs and representatives consequently became his. The said Magdalen (the only married sister of the duke's grandfather, Edmund, second earl of Mulgrave,)

became the wife of Walter Walsh, of Castle-Hoel, in 1625, whose ancient line terminating, as we have already shown, in the Courtstown and Gracefield families of Grace, the leading stream of the Sheffield blood also flowed in the same channel ; and from what has been here stated, it is not only manifest that the descendents of Magdalen Sheffield, or, in other words, the Grace family, and those deriving through them, are the immediate representatives of the house of Sheffield ; but that no other descent through the *heiress* of any collateral branch, since the reign of Richard III. can be adduced, unless it be through the daughters, either of Robert Sheffield, of Beltoft, the first lord Sheffield's second son ; or of sir Edmund Sheffield, the first earl of Mulgrave's third son.

It is to be observed, that one of the Grace family having been guilty of a breach of hospitality to the first duke of Buckingham, as his grace considered, he in consequence disposed of his estates by Will, in the event of his son Edmund dying issueless ; but having omitted to particularize some lands in the counties of Sussex, Middlesex, and York, these necessarily devolved upon the heir at law. Whereupon the lords Fairfax and Montjoy, sir Digby Legard, bart., Thomas Worsley and Robert Shaftoe, esqrs. claimed the inheritance, not as *the true representatives*, but as the *next protestants*, according to the then existing law, entitled to the succession.

In detailing the descent of this inheritance to the Grace family, it must not be omitted, that, during the legal investigation of the rights of the respective claimants already noticed, it was ascertained that Robert Walsh, of Castle-Hoel, (the son of Edmund Walsh, who was son of Walter Walsh, of Castle-Hoel, and of Magdalen Sheffield, of Mulgrave,) had left two surviving daughters, Margaret and Magdalen, who were consequently next heirs to the late duke of Buckingham. But the obscure retirement which the forfeiture of the Castle-Hoel estates had necessarily inflicted upon them, not only prevented any knowledge of their rights from accidentally reaching them, but rendered even the fact of their existence for a long time doubtful. To them, however, the duke's undevise'd estates, in the first instance, devolved ; and by their deaths, without issue, the family of Grace became the exclusive representatives of that of Sheffield. In 1759-60, Michael

Grace, of Gracefield,^(d) sold the manor of Iclesham, in Sussex, thus inherited, to Mr. Arnold Nesbit, of London; an estate, in the county of Middlesex, was similarly disposed of to John duke of Bedford; and Henry earl of Carlisle, became the purchaser of the Yorkshire property. It may be further stated, that the duke of Buckingham, by a similar omission with regard to various royalties, manorial rights, and advowsons, must likewise have given to the same heirs at law the possession of them; but that the neglect on their parts to claim them, together with several houses, and a small estate in and near the city of York, until a period so long had elapsed that it was found, upon consulting the English crown lawyers of the time, by the late Richard Grace, of Boley, M.P. that the claim was barred by the statute of limitation, restricting the bringing of even a writ of right after the lapse of sixty years.

(^d) Michael Grace was son and heir of Oliver, the subject of this memoir. He married Mary, daughter of John Galway, of Lota-House, by Elizabeth, sister of sir John Meade, grandfather to the first earl of Clanwilliam, and had issue,—first, Oliver, of Gracefield, of whom presently; second, John, of Sheffield-Lodge, who died *cælebs*; and, third, William, who resided chiefly at St. Germain's, in France, and who married Mary, daughter and heir of Richard Harford, of Marshfield, near Dublin, by whom he had issue Richard Grace, of Boley, M.P. who died at Southville, in 1801, leaving issue, by Jane, daughter of the honourable John Evans, of Bulgaden-Hall, son of George, first lord Carbery, three sons, viz. sir William Grace, baronet, Sheffield Grace, of Lincoln's-Inn, F.S.A. and captain Percy Grace, R.N. Oliver Grace, of Gracefield, married Mary, daughter and heir of John Dowell, of Mantua-House, and had issue two sons, viz.—first, Michael, of Gracefield, of whom presently; and, second, John, of Mantua, who married Mary, daughter and co-heir of P. Hussey, of Ardmore, and had issue Oliver John Dowell Grace, of Mantua, who married, 3d of September, 1819, Frances, only child of sir Richard Nagle, baronet, by his first wife, Catharine, daughter and heir of Maurice Fitz-Gerald, of Puncchar's-Grange, and has issue John Dowell Fitz-Gerald Grace. Michael Grace, of Gracefield, married Mary, daughter and co-heir of Nicholas Plunket, of Dunsoghly-Castle, and had issue an only child, Alicia, married, 5th of June, 1792, to Morgan, third son of Thomas Kavanagh, of Borris-House, in the county of Carlow, who died S.P. 25th of November, 1804, and was interred in the ancient cemetery of his family at St. Mullins, in that county.

NEWCASTLE—p. 550.

In the table of descent, the marriage of Margaret, daughter of Henry Cavendish duke of Newcastle, with John Holles earl of Clare, is printed twice over; by which redundancy, the father is made to be son of his own son. The typical mistake is easily rectified by the observation of the judicious reader.

PERTH—p. 606.

After the words, *chief of the family*, at the end of line 10 from the top, add; *viz.*

There being reason to believe the previous statement of the descent of the late lord Perth to have been given under an erroneous impression, the following may be read as a most interesting detail.

John, third earl of Perth, had two sons, James and John, of which the latter was created earl of Melfort, in Scotland, in 1686. The elder

James, fourth earl, was lord high chancellor of Scotland, and in consequence of his attachment to king James II. was first imprisoned in Stirling Castle, from 1684 to 1693, and then ordered to quit the kingdom, and not return without leave from the crown, but was not outlawed. Hereupon he at length removed to St. Germain, where he was created duke of Perth, his younger brother John having been three years before also created by king James, duke of Melfort. The duke of Perth had a son, who, in consequence of his father's elevation, was commonly called marquess of Drummond.

This young nobleman having joined the Pretender in 1715, was thereupon attainted, by the name of James lord Drummond, eldest son of the earl of Perth; but his father being alive, the attainder did not affect the title of

the earl, which continued in him till his death in 1716; on which event, the earldom, though not forfeited, became dormant, inasmuch as the marquess, or rather James lord Drummond, by reason of his attainder, could neither enjoy it himself, nor transmit it to his sons; of these, all issue male failed, and the male line of James, fourth earl of Perth, having thereby become extinct in 1760, the right of succession devolved upon the family of Melfort, before mentioned.

John earl of Melfort, and the first duke, was twice married; first to Sophia, heiress of Lundin, on the contract of which marriage it was stipulated that he and his issue should bear the name and arms of Lundin, which was borne accordingly till 1766. His second wife was Euphemia Wallace, to the issue male of which marriage, the titles and estates of Melfort were, by the royal charters, and other dispositions, limited to descend in preference to the issue by the first marriage. The earl of Melfort, having followed the fortune of king James, resided in France, where his issue, by his second wife, ever after continued to reside;^(e) but the issue by the first remained in Great Britain, and thereupon, when the male issue of the house of Perth had terminated, James Drummond, grandson of the earl of Melfort, by his first wife, took upon him the title of earl of Perth. He had issue three sons, Robert, who died young; Thomas, who died S.P.; and James, this

James Drummond, who was in the army, was, in 1780, promoted to be a captain in the 42nd Highlanders; at which time he was in a deep decline, from an attempt made (as it has been imagined) to assassinate him, when the point of the weapon, by which he was stabbed, broke in, and was afterwards extracted from his breast. Though pronounced by the faculty to be

(^e) These became distinguished, as two branches; the eldest, called the Ducal branch, were British subjects: for John lord Forth, (so created in his father's lifetime and never attainted) the son and heir apparent to earl John, was born in Scotland in 1682, long before the revolution. The other branch, styled, the *counts de Melfort*, were *aliens*, for lord Andrew Drummond, the fourth son, was born at Rome, when his father (then duke) was ambassador from king James, to that court. This circumstance seems to have given to the whole of the house of Melfort the indiscriminate (and erroneous) appellation of *aliens*.

unable to proceed with his regiment to the East Indies, he nevertheless went on-board of ship, but was obliged to be debarked at Lisbon, where he died, and was buried August 13, 1780, aged 35.* Thus the only sons of James Drummond, of Lundin, who had taken up the title of Perth, having died issueless in his life-time, there was upon his own death, at Stob-Hall, in 1781, a failure of all issue male from John earl of Melfort, by his first wife, the heiress of Lundin. On this event, without any doubt, (f) the issue male of the same earl of Melfort, by his second wife Euphemia Wallace, became in priority the only line capable of claiming the Perth title and estates; but the absence of this line in France gave opportunity for carrying into effect that measure, by which the estates became transferred from this unfortunate family, to another person of its surname.

* Certif. of.
H. M Chap.
to the
Factory.

About the time of earl James's death in 1781, the restoration of certain of the Scotch forfeited estates, and among the rest that of Perth, was contemplated by the legislature; this act of grace at length took place, when,† with regard to the Perth estates, it was thus enacted; viz.

† Pub. Act.
24 Geo. III.
chap. 57,
sect. 10.

“Whereas the estate of Perth, which became forfeited by the attainder of John Drummond, taking upon himself the style and title of lord John Drummond; &c. *stood devised before the forfeiture to heirs male*; and whereas the said John Drummond died without issue, lawful of his body, and it is not yet ascertained who is his nearest collateral heir male; be it enacted by the authority aforesaid, that it shall and may be lawful to his majesty, his heirs and successors, to give, grant, and dispose, to *the heirs male* of the said John Drummond, *who would have been intitled to succeed* by the investitures of the said estate, had it not been forfeited, and to *the heirs and assigns of such heir male*, all and every the lands, lordships, baronies, &c. &c. which became forfeited by the attainder of the said John Drummond.”

(f) The Perth titles and estates, by virtue of a surrender and charter of Novo-damus, are considered to have been given by James, fourth earl of Perth, failing his own issue male, to the issue male of his brother the earl of Melfort, by his second wife, in preference to the first.

The facility with which an heir of substitution might at this period be brought forward, must be self-evident. In 1783 there was in the East Indies one John or *James* Drummond, an ensign in the 73rd Highlanders; of this regiment, the second battalion was reduced, in order to be incorporated into the second battalion of the 42nd Highlanders, (the regiment in which the hon. James Drummond had died a captain at Lisbon, in 1780.) Ensign Drummond was removed from the first battalion of the 73rd, and placed on the half-pay of the second battalion, incorporated, as before mentioned, into the 42nd Highlanders. But, without entering into more detail on these military manœuvres, it may suffice to state, that there was one John, or *James* Drummond, the son of Colin Drummond, of Megginch,^(g) which, though a diminutive and red-haired man, and consequently not like the defunct at Lisbon, who was tall and dark, yet might be born to better fortune than his namesake, the emaciated captain.

Without saying that it was this son of Colin Drummond who was brought forward as heir male to the Perth estate, it may be enough to remark, that while the Act of Parliament *professes* to restore the property *to the heirs male, who would have been intitled to succeed by the investitures of the said estate, had it not been forfeited, and to the heirs and assigns of such heir male*, it gives the estates to be enjoyed *in a way quite contrary to the investitures referred to*, for they were strict investitures according to the law of Scotland before the union, *to heirs male in succession*. But had the restoration not been made *to the heirs and assigns of the restored heir male*, the person destined to take as heir male, could neither have sold or given

(g) This Collin had been collector of the cess (excise) in Perthshire; was afterwards deputy paymaster at Québec, and one of the commissariat-generals in Canada.—His elder brother, Adam Drummond, of Megginch, was an M.P. and had the use of Drummond Castle, where he resided from 1746 till the restoration of the estate by the Act of Parliament. By this circumstance he had the opportunity of possessing himself of the most material papers, deeds, settlements, and documents, relating to the Perth title and estates, and consequently of rendering them eminently useful to the aggrandisement of his family: while his parliamentary importance made him a fit person to be courted, and accommodated by those, who at the same time could serve their own public and private interest.

away the Duneira estate ; and, as a matter of course, the late lord Melville could neither have purchased it, nor have acquired it as a boon of friendship ; for it must have continued to have descended to the *heirs male of Tailzie*.

RIVERS—p. 633.

After the name of *Peter*, at the end of line 24 from the top, add, a son of the said Peter is said to have been the last surviving heir male of the family ; but never assumed the family honours, to which his descent gave him an indisputable right.—He was a dissenting minister, and died S.P. The daughter of earl Richard, mentioned, at p. 634, to have married the earl of Rochford, is said to have been illegitimate.

SALISBURY—p. 650.

At line 4 from the top, after *Thomas, fourth earl of Salisbury*, add, *viz.* he was created *earl of Perth*, to hold to him, and his heirs male, by homage, and giving yearly to the king on St. George's day, a sword in a scabbard, at the castle of Caen.*

* Rot. Pat.
26 Apl.
(Norm.)
M. 63,
N. 232.

* *SEAFORTH*.

The Scotch earldom of Seaforth, belonging to this peer's ancestors, was forfeited in the rebellion of 1715, in the person of William, the fifth earl, who was engaged therein ; for which he was attainted. He escaped to France, where he remained until George I. granted him a pardon for life,

in 1726, on which he returned to Scotland, and spent the remainder of his days in retirement, till he died in 1740. This son, Kenneth lord Fortrone, who would have succeeded to the earldom, but for the attainder, died in 1762, leaving a son Kenneth, who was created an Irish peer in 1766, by the title of baron of Ardelve, in the county of Wicklow, and viscount Fortrose; and in 1771 was further created earl of Seaforth: he married lady Caroline Stanhope, daughter of the earl of Harrington, but died in 1781, leaving an only daughter, lady Caroline Mackenzie, whereby his Irish honours became extinct.

Colonel Humberstone Mackenzie, son of major Mackenzie, the descendant of colonel Alexander Mackenzie, third son of the third earl of Seaforth, then became the male representative of the family. He raised a Highland regiment during the American war, with which he served in the East Indies, but in 1782 he died of the wounds he received in an action with a squadron of Malay ships. On this event, his brother,

Colonel Francis Humberstone Mackenzie, was the next heir male representative of this ancient family; he also raised a regiment in the service, and in October, 1799, was created a British peer, by the title of lord Seaforth, baron Mackenzie, of Kintail, in the county of Ross. He married Mary, daughter of Baptist Proby, dean of Lichfield, and had issue William-Frederick—George Leveson Boucherett—Francis-John—and several daughters; but upon his lordship's death, in January 1815, his titles became extinct; his son William-Frederic, having pre-deceased him in August, 1814, and his other sons having died before without issue.

* STAWELL.

The honourable Henry Bilson Legge, fourth son of William, first earl of Dartmouth, having married Mary, sole daughter and heiress of Edward Stawell, the last lord Stawell of his family,* had by her a son Henry, who, on the death of his mother in 1780, became heir to the barony of Stawell,

* Dorm. and
Ext. Baron.
Vol. III.
p. 676.

which, by a new creation, had been conferred on her with limitation to her issue male ; this

Henry Stawell Bilson Legge, baron Stawell, was born in 1757, and married in 1779 Mary, daughter of Ashton Curzon, esq. (afterwards viscount Curzon,) and by her, who died in 1804, had a son born in 1785, who died young ; and a daughter, Mary, born in 1780, who married the hon. John Dutton, son of James lord Sherborne.

His lordship, unlike his father, never was any conspicuous political character, but was more occupied with the amusements of the field. He died in 1820 without male issue surviving, and his title accordingly became extinct.

* *St. VINCENT.*

It is well known that the naval services of this nobleman raised him to the high honours he attained. The family of Jervis is respectable, in the county of Stafford, and, in the female line, through the Swynfens, is descended from the Brandreths, of Weeford, who, in the time of the civil war, were conspicuous parliamentarians^(h).

Brought up in the navy, he became a post-captain in 1760 : was in admiral Keppel's engagement with the French, and behaved gallantly ; and the court-martial of that commander gave testimony strongly in his favour.

When the admiral became first lord of the admiralty, captain Jervis, in the *Fourdroyant*, took the French line-of-battle ship, the *Pegase*, on which occasion he was wounded, and was made a knight of the Bath. In 1794 he had the chief command of the fleet in the West Indies, and in 1797 fought, and gained the memorable victory off Cape St. Vincent over the Spanish fleet, for which transcendant achievement he obtained the thanks

^(h) The editor, and earl St. Vincent, descended from two sisters, daughters of John Brandreth ; of Weeford, and of Shenston, in Staffordshire.

of parliament, the applause of the nation, and the special approbation of his majesty, who, in consideration of his signal service, advanced him to the peerage, by the title of baron Jervis, of Meaford, in the county of Stafford, and earl of St. Vincent.

In 1801 he was appointed first lord of the admiralty, which office he resigned in 1804. In April, 1801, he had a new grant of the viscounty of St. Vincent of Meaford, with a collateral remainder severally and successively to the heirs male of his nephew, William-Henry Ricketts, esq. ⁽ⁱ⁾ to Edward Jervis Ricketts, and in default of such issue to his niece, Mary Ricketts, countess of Northesk, and the heirs male of her body. His lordship having attained the highest rank in the navy, of admiral of the fleet, and general of marines, died in March 1823, full of years and of glory. He married his first cousin, Martha, eldest daughter of sir Thomas Parker, which lady deceased in 1816, without issue; the viscounty of St. Vincent has, therefore, devolved according to the limitation of the patent.

SUSSEX—p. 700.

At line 10 from the top, after, *terminated the honours of his family*, read, in addition, *viz.* and Frances, his sister, or her issue, became his heirs, in which character the duke of Buccleugh is heir general of Savile earl of Sussex, and of Christopher Villiers earl of Anglesey.

* TREVOR.

This name boasts its antiquity from Wales, and the family owes its peerage to the law.

⁽ⁱ⁾ He had his majesty's licence in June, 1801, to assume and use the surname, and bear the arms of Jervis only.

Sir John Trevor, of Trevallin, in Denbighshire, who died in 1589, had four sons, of whom all were knighted. Sir Sackville Trevor, the third, was an eminent naval officer. Sir Thomas, the fourth, was chief baron of the Exchequer, and died in 1656, ætat. 84, leaving a son, Thomas, who was created a baronet in 1641, but died without issue male, in the reign of Charles II. ; sir Richard, the eldest, had four daughters, his co-heirs ; and—

Sir John, the second son, died in 1673, having married Margaret, daughter of Hugh Trevannion, esq. 'of the county of Cornwall, and had issue several sons and daughters, of which latter, one married sir Francis Compton, fifth son of Spencer earl of Northampton ; and another was the wife of William, eldest son of sir William Masham, baronet ; of the sons,

Sir John Trevor, the eldest, was knighted by king Charles II. and constituted one of the principal secretaries of state in 1668, but he died in 1672, about a year before his father, and was buried in St. Bartholomew's, in Smithfield. He married Ruth, daughter of the famous patriot John Hampden, esq., and had several sons, whereof, the second,

Thomas, first lord Trevor, was brought up to the law ; in 1692 was made solicitor-general, and knighted ; in 1695, attorney-general ; and, on the accession of queen Anne, was advanced to be chief justice of the Common Pleas. In 1711 he was one of the twelve new peers, being created baron Trevor, of Bromham, in the county of Bedford. Burnet says, "whereas Jefferies had the vanity to be made a peer, while he was chief justice, (which had not been practised for some ages,) yet the precedent was followed, and Trevor, chief justice, was now advanced to be a peer. He died in 1730, aged 72, and was buried at Bromham. His first wife was Elizabeth, daughter and co-heir to John Searle, of Finchley, in Middlesex, esq., by whom he had two sons, Thomas and John, and three daughters ; viz. Anne, died unmarried in 1785, æt. 93 ; Letitia, married to Peter Cock, of Camberwell, esq. ; and Elizabeth. His lordship married, secondly, Anne, daughter of Robert Welden, esq. relict of sir Robert Bernard, of Bampton, in the county of Huntingdon, bart., and by her (who survived him, and died in 1747,) had Robert, hereafter mentioned. Richard, who was first bishop of St. David's, and thence translated to the see of Durham, who died unmarried in June, 1771 ; and Edward, who died young.

Thomas, second lord Trevor, eldest son of his father, married Elizabeth, daughter and heir of Timothy Burrell, esq. and had one daughter, Elizabeth, who married Charles, the second duke of Marlborough. He died in 1753, and was buried at Bromham, having no issue male.

John, third lord Trevor, his brother, succeeded to the title, at which period he was a Welch judge. He married Elizabeth, daughter of the celebrated sir Richard Steel, by whom (who survived him and died in 1782) he had an only daughter, Diana-Maria, who died unmarried in 1778. Having no son, the title on his decease, in September 1764, devolved upon his half brother.

Robert, fourth lord, who had assumed the name and arms of Hampden, pursuant to the will of his relation, John Hampden, esq., who bequeathed to him Hampden-house, and large estates, in Buckinghamshire, and who was great grandson of the patriot, killed at Chargrove-field. He was born in 1701, and was early initiated in diplomatic business: was plenipotentiary to Holland for several years, and after his return was made one of the joint post-masters general. In 1776 he was created viscount Hampden, of Great and Little Hampden, in Buckinghamshire.

His lady was Constantia, daughter of Peter Anthony de Huybert, lord of Kruningen, in Holland; and by her, who died in 1761, had two sons, Thomas, born Sept. 11, 1746;—John, born Feb. 24, 1748-9.—Also two daughters, Maria-Constantia, who married Henry, earl of Suffolk, and died in 1767;—and Anne, born in 1751, and died in 1760.—His lordship died at Bromham, of the palsy, in August, 1783, and was succeeded by his eldest son,

Thomas, second viscount Hampden, who married in 1768 Catharine, only daughter of major-general David Græme, of Braco-Castle, in North Britain. This lady died at Bath in May, 1804, without issue; and the viscount married, secondly, in 1805, Jane-Maria, daughter of George Browne, esq. of Illiston, in Roxburgshire, but by her (who has survived him) had no issue: and dying in August, 1824, was interred in the family vault at Glynde, near Lewes. He was succeeded by his only brother,

John, third viscount Hampden, who, while a commoner, was envoy at the court of Turin. He married in August, 1773, Harriet, only daughter

of Dr. Burton, canon of Christ Church, Oxford, but had no issue; he enjoyed his family honours a very short time, deceasing in September, 1824, when, for want of male heirs, the barony of Trevor, and viscounty of Hampden, have become extinct.

VAUX—p. 709.

After the words, *without legitimate issue*, at the end of line 16 from the top, add, *viz.* there is reason to believe, that upon the death of this Edward, the fourth lord, the title did not become extinct, but devolved upon Henry, his brother, who having been passed over in the inheritance of the family estates, was probably poor, and, as such, did not take upon him the public avowal of his rights; this seems the more likely, as on the floor of the chancel of the church of Eye, in Suffolk, is the following inscription; *viz.*

Exiit ultimus Baronū de Harrowden
* Henricus Vaus *
Septemb. 20, Anno D'ni MDCLXIII.

Edward lord Vaux, with Elizabeth, his wife, lye buried at Dorking, where, in the middle of the chancel of St. Martin's church, is a black marble tomb, with an inscription, reciting that he died in Sept. 1661, æt. 74; and she in April, 1658, æt. 75.

VERE OF TILBURY—p. 711.

At line 7 from the top, for *daughter of sir John Tracy*, read, of *sir William*;* and add, *relict of Mr. William Hobby*.

* Lyson's
Envis.
Vol. III.
p. 111,
Isleworth
Par.

WARREN.

The earls Warren, being coalesced with those of Surry, are to be found under that head.*

* Dorm. &
Ext. Baron.
Vol. III.
p. 687.

* WILTSHIRE.

Upon the extinction of this title in the Boleyn family, it was next conferred upon William Paulet lord St. John, who, 3 Edw. VI. was created earl of Wiltshire; and in the 5th of the same reign, was advanced to the dignity of marquess of Winchester. On this occasion, it is said, that he made a surrender of the earldom to obtain the superior title, and that a *vacatur* is entered upon the roll. Certain it seems, that, in the reign of queen Elizabeth, the title of earl of Wiltshire was considered vacant, for it is related that the lord Hunsdon, the queen's cousin, broke his heart, because her majesty would not confer it upon him,† as it had been in his maternal grandfather, Thomas Boleyn, earl of Ormond and Wiltshire.

† Dorm. &
Ext. Baron.
Vol. III.
p. 384.

‡ Purbeck
Case.

It may be argued, that a peerage, once granted, cannot be surrendered. Such was the resolution of the House of Lords in 1678,‡ but that was subsequent to the Wiltshire creation in Paulet; and, were that doctrine to be admitted as applicable to the present point, it would present a very curious anomaly; for the *title of Winchester*, to which Paulet was afterwards advanced, had *come to the crown* by reason of *the surrender of Bruges* earl of Winchester, 15 Hen. VII.§

§ Dorm. &
Ext. Baron.
Vol. III.
p. 760.

YORK — p. 769.

At line 5 from the top, instead of *son* of Philippa, read *grandson*; and then add, by way of note, *viz.* in this marriage, *the wife* was *two degrees* further removed from the common ancestor, Edward III., than *the husband*; it may be deemed, probably, an anomaly in descent.

APPENDIX
TO
BANKS'S DORMANT AND EXTINGUISHED BARONAGE.

ADBASTON, vide *WHITWORTH*.

ALBANY.

This is a title of Scotch importation, which was enjoyed by several eminent families in that kingdom, before the accession of James VI. to the throne of England.

King Charles I. conferred the title upon his second son James, whom he created duke of York and Albany. This prince, after the restoration of his brother king Charles II., obtained from him a grant of a certain territory of land in New England, in North America, whither he sent his deputy, governor Nichols, to take possession, and dispossess the Dutch, who had usurped the occupation of Long Island and other parts of the district, and they making a surrender thereof, the governor changed the Dutch names of the place, and instead gave to them the names by which they are now known, of New York and Albany, in the United States.

His majesty George III. upon succeeding to the crown, created his brother prince Edward Augustus, duke of York and Albany in April 1760, who died S. P. shortly after in 1767, as noticed in the third volume of the “Dormant and Extinguished Baronage.”

The titles being thus vacant, his said majesty was pleased to confer them

upon his second son, prince Frederick, the late lamented duke, of whom, under the article York*, his principal title, a further account will be given.

It may here be observed, that the dukedom of Albany, given to this prince, did not render him a duke of Scotland—to entitle him to any privileges as a peer of that kingdom.

AMESBURY.

Charles Dundas, esq., for many years one of the representatives in parliament for the county of Berks, was second son of Thomas Dundas of Figgask, (uncle of the first lord Dundas.) His political services and family influence may be considered to have recommended him to the peerage, to which he was advanced, by the title of baron Amesbury, of Kintbury, Amesbury, and Barton Court, county of Berks, and to the heirs male of his body, May 10, 1832. His lordship was twice married, first, to Miss Whitley, by whom he left an only daughter, Janet-Whitley Dundas, who married, in 1808, captain James Deans, R.N., only son of Dr. Deans, by Janet his lordship's sister. Secondly, to his cousin Margaret, daughter of the hon. Charles Barclay of Lauderdale, widow, first, of Charles Ogilvy, esq., and, secondly, of major Archibald Erskine. He enjoyed his honour only a short time, deceasing in June, 1832, when, not having issue male, the peerage concluded with him.

BERNERS.

This is an ancient barony, of which mention is made in the second volume of the "Dormant and Extinct Peerage," where it has been shown that it was,

* Vide York.

at that time, in abeyance: since then, a claim has been preferred thereto by a Mr. Wilson, descended from one of the co-heiresses there noticed; which claim, on reference to the House of Lords, has been allowed, and he has accordingly been summoned to the House as baron Berners, and has taken his seat therein, by the precedence of the original creation.

As the title is now revived by virtue of its inheritance, no further notice of it is here necessary, it being among the existing peerages, and an account of it to be found in the annual editions published.

BRACKLEY, vide BRIDGEWATER.

BRIDGEWATER.

Sir Thomas Egerton, the founder of this house, was the natural son of sir Richard Egerton, of Ridley in Cheshire, by one Alice Sparke, and though at first neglected by his father, was afterwards acknowledged by him, and educated accordingly. His great proficiency in learning, and knowledge of the laws, recommended him to the notice of queen Elizabeth, by whom he was knighted, and appointed attorney general, thereafter promoted master of the rolls, and lord keeper of the great seal, both which offices he kept till the accession of James I. in 1603, by whom he was confirmed lord keeper, and on the 21st of July, was created baron of Ellesmere in Shropshire; and, on the 24th of July, constituted lord high chancellor of England; furthermore, in November 1616, his majesty advanced him to the dignity of viscount Brackley, in the county of Northampton, with limitations, the same as the barony of Ellesmere, to the heirs male of his body. Shortly after this, he deceased in 1617, leaving a character respected by posterity for talents, honour, and integrity. He was three times married, but had issue only by his first wife, Elizabeth, daughter of Thomas Ravenscroft, of Bretton, in Flintshire, esq., viz.—two sons and a daughter, Mary, who married sir

Francis Leigh, K.P., father of Francis, earl of Chichester; of the sons, which were sir Thomas and John. The eldest,

Sir Thomas Egerton, died in his life-time, having been knighted for his valour at the taking of Cadiz, by the earl of Essex. He died in Ireland, in 1599, leaving by Elizabeth his wife, daughter of Thomas Venables, titular baron of Kinderton, Cheshire, three daughters, *viz.* Elizabeth, married to John Dutton, esq.; Vere to William Booth, son and heir apparent to sir George Booth, (ancestor to the earl of Warrington); and Mary to sir Thomas Leigh, afterwards lord Leigh. But not having any issue male, his brother John became heir to his father's honours. This

John, first earl of Bridgewater, only surviving son of the deceased viscount Brackley, was advanced to the degree of earl of Bridgewater, in the county of Somerset, the 27th of May, 1617, with the same limitation as his other titles. This nobleman is best known as the patron of Milton, whose masque of Comus was written expressly for him, and acted by his family at Ludlow, when he was lord president of Wales. He married the lady Frances Stanley, second daughter and co-heiress of Ferdinando, earl of Derby, whereby his posterity engendered the hypothetical descent of royal blood, which the will of Henry VIII., enhanced by the entail of the crown therein made, by virtue of the power granted to him by parliament so todo, first, to his son, prince Edward and his issue, then to the princesses Mary and Elizabeth, and in default of their issue, to the issue of his youngest sister Mary, the French queen, by Charles Brandon, duke of Suffolk, in preference to the issue of his eldest sister Margaret, by her husband the king of Scotland. This alliance conferred all the lustre of birth on the subsequent generations of the Egerton line, covering, as it may be deemed, the bastard origin with the mantle of Plantagenet and Tudor.

By this great lady, the earl (who died in 1649,) had four sons and eleven daughters: of the sons, the two first born, James and Charles, died young; John was his successor; and Thomas, the fourth son, who was the one who acted the part of the younger brother in the masque of Comus, also died young: of the daughters, three died young, and the ladies Frances, Arabella, Elizabeth, Mary, Penelope, Catherine, Magdalen, and Alice, lived to be most honourably married.

John, second earl of Bridgewater, his only surviving son, is said to have been a very learned and amiable man. He performed the part of the elder brother in *Comus*; his countess was the lady Elizabeth Cavendish, daughter to William, marquis, and afterwards duke of Newcastle, so famed for his loyalty during the civil war: by her he had six sons and three daughters, whereof, Frances the eldest, and Catherine the third daughter, died in their infancy; and Elizabeth the second, married Robert Sydney, earl of Leicester: of the sons, John the eldest, was the next earl; William, the second, married Honora, sister to Thomas, lord Leigh, and had a son John, who died young, and four daughters.

Thomas, the third son, was of Tatton Park in Cheshire. He married Hester, daughter of sir John Busby of Addington, in Bucks, knight, and had a daughter, Elizabeth, who married the rev. Mr. Leigh, rector of Whitchurch, in Shropshire, who was ancestor to sir Egerton Leigh, bart. He had also four sons, of which Thomas, the second, died unmarried; and Mainwaring, the fourth, in his infancy; John, the eldest son, was of Tatton, whose male line is extinct; and William, the third son, who was LL.D., and rector of Settrington, in Yorkshire, married Anna, daughter of sir Francis Head, bart., and left issue surviving, a son, John, who died under age, unmarried; and two daughters, whereof Charlotte married William Hammond, esq., of St. Alban's Court, in East Kent; and Jemima married Edward Brydges, esq., of Wotton Court, in Kent, who by her had issue the rev. Timewell Brydges, who claimed the barony of Chandos, and sir Samuel Egerton Brydges, bart.; also another son, John William Mead Brydges, and five daughters.

The hon. Charles Egerton's fourth son was seated at Newborough, in Staffordshire; he had an only son who died young.

Steward or Stewart, the sixth son, died unmarried, as did Henry, the fifth; the earl himself deceased in 1686, and was succeeded by his eldest son,

John, third earl of Bridgewater. This nobleman espoused the part of the prince of Orange, at the revolution in 1688, and was highly favoured by him when he afterwards became king; at the time of his death in 1701, he was first lord commissioner of the Admiralty. He married first, Elizabeth, daughter and heir of James Cranfield, earl of Middlesex, and by her had a son, and a daughter, who both died infants; his second lady was Jane, eldest daughter

of Charles, duke of Bolton, and by her he had two daughters and seven sons, whereof Charles and Thomas, the first and second, were burnt in their beds by the great fire at Bridgewater House, Barbican, in 1687; and John, the sixth son, died unmarried; William, the fourth, died without issue male; Henry, the fifth, was ancestor to the last earl as hereafter mentioned.

Charles, the youngest son, married Catharine, aunt to Francis, earl Brooke and Warwick, and had two sons, of which, Charles, the youngest, died, at Bath, S.P., and Scroop, the eldest, married a Miss Pope, and by her had two sons, Scroop, who died young, and Dodington, who died at Lyons, in France, S.P.; also a daughter, Elizabeth, who married a Mr. Hayter, of Salisbury, and had a son, Francis, who took the name of Egerton.

Scroop, third and eldest surviving son of the deceased earl, was the first duke of Bridgewater, to which title, with that of marquess of Brackley, he was advanced in June 1720, with the limitation to the issue male of his body. He departed this life in 1745, having been twice married. His first wife was Elizabeth, third daughter and co-heir to John Churchill, duke of Marlborough, by which lady he had a son John, who died young, at Eton School; another son, who died shortly after his birth; and a daughter, Anne, who married Wriothlesley, duke of Bedford, and after his death, William, earl of Jersey. His second duchess (who survived him), was lady Rachel Russell, daughter of Wriothlesly, duke of Bedford, and by her he had five sons, viz. Charles, the eldest, who died young; John, the next duke; William and Thomas, who both died tender infants; and Francis, successor to his brother John: also three daughters, whereof the lady Louisa married Granville Leveson, viscount Trentham, afterwards earl Gower, and marquess of Stafford; Caroline, who died unmarried; and Diana, who married Frederick, lord Baltimore.

John, second duke of Bridgewater, died in 1748, aged 21, and being unmarried, was succeeded by his brother,

Francis, the third and last duke of Bridgewater. The national works of this nobleman will preserve his name so long as the history of his country shall remain. He was the great projector of inland navigation, and the first to bring it to any perfection;—he dedicated a long life and noble fortune to the undertaking, passing his useful days without personal splendour or

luxuries, even distressing his pecuniary resources without abatement of perseverance to perfect his design. The result answered his most sanguine expectation, and boundless wealth crowned his labours. Before his death, he returned his rental to the income tax-commissioners at £.110,000 per annum, and subscribed to the loyalty loan £.100,000 all in ready money.

He died in March 1803, leaving most of his houses, his plate, his pictures estimated at £.150,000., together with his vast canal property, to his nephew, the marquess of Stafford; and his great real estates, with the fine seat at Ashbridge, as also a large personal property to his cousin and male heir, major-general John William Egerton, who, by reason of the dukedom and marquisate of Brackley becoming extinct upon his grace's death, succeeded only to the other family titles.

This nobleman, John William, seventh earl of Bridgewater, was grandson of Dr. Henry Egerton, bishop of Hereford, who was fifth son of John, the third earl. The bishop married the lady Elizabeth Ariana, daughter of William, earl of Portland, and had issue, a daughter, Anne, who died unmarried, and five sons: of these, William, the second, died without issue male; Henry, the third, was a prebendary of Durham, and died S.P.; Charles, the fourth, was a lieut.-colonel in the army, and died in 1798; and Francis, the fifth, died S.P.

John, bishop of Durham, was the eldest son. He was first bishop of Bangor, then of Lichfield and Coventry, and lastly promoted to the rich see of Durham. He married the lady Anne Sophia Grey, daughter and co-heir of Henry, duke of Kent, and by her had a daughter, Amelia, who married Sir Abraham Hume, bart.; and two sons, John William, heir to his cousin, the duke of Bridgewater; and Francis Henry, to whom, and to his sister, Dame Amelia Hume, his majesty, in 1808, was pleased to grant his royal licence that they should enjoy the same place and precedence, as if their father, the bishop of Durham, had survived his cousin, the duke, and had lived to become earl of Bridgewater*.

* In this grant is contained a pompous, and most fulsome detail of the genealogical descent and alliances of the Grey family, to connect it with the royal blood of Plantagenet and Tudor.

John William, seventh earl of Bridgewater (already mentioned), married Charlotte Catherine Anne, only daughter and heiress of Samuel Haynes, esq., but dying S.P. Oct. 21, 1823, the earldom fell to his only brother and heir, Francis Henry, which

Francis Henry, eighth earl of Bridgewater, while a commoner, was a prebendary of Durham, and rector of Whitchurch, in Shropshire. He lived chiefly abroad, the reasons for which have been variously assigned. He enjoyed a princely fortune, and died at Paris, unmarried, in 1829; by which event, all the titles of the Bridgewater family are considered to have become extinct.

A London paper announcing his death, stated that, by his will, he bequeathed a large portion of his property to the British Museum, for the formation and conservation of a collection of autographs, amongst which, his own sign-manual, and MSS. would occupy a prominent place;—and, that in order that posterity might know such a person as Francis, earl of Bridgewater, had ever existed, he caused an immense number of medals, with his *bust* on one side, and *his name*, titles, &c., on the other, to be inclosed in thick glass, or chrystal, and hermetically sealed; numbers of which were sent to England, America, and various parts of the continent, to be deposited in the foundations of public buildings, under piers of bridges, and thrown into fountains, lakes, and rivers; some of which were flung into the Seine.

BRAY.

This title has hitherto been set down among the dormant or extinct peerages, but it has recently been claimed by Mrs. Otway Cave, as one of the co-heirs descended from Elizabeth, daughter of Edmund, lord Bray, and second sister and co-heir of John, the last lord Bray, who died without issue. Mrs. Otway Cave's petition having, upon the report of the attorney-general, been referred to the lords' committee of privileges, their lordships heard evidence in support of her pretensions, and entered into a minute inquiry as to the original creation of the barony, whether by letters patent limiting its

succession to heirs male of the body of the patentee, or by writ of summons and subsequent sitting thereunder, and thereby acquiring a peerage dignity descendible to heirs general, in which latter way Mrs. O. Cave contended that it originated.

From the printed minutes of evidence, it appeared that no patent was to be found after the most careful research in the respective offices, where the same might be supposed to be entered or recorded. In the absence, therefore, of the patent, the claim of Mrs. Otway Cave was confined to the proof that she was one of the co-heiresses, between whom the said barony, as descendible to heirs general, was in abeyance. She stated her pedigree to be sister and sole heiress to sir Thomas Cave, bart., who died S.P. in 1792, which sir Thomas was son and heir of sir Thomas, the sixth baronet, grandson and heir of sir Thomas Cave, the third baronet, who married the hon. Margaret Verney, third daughter of sir John Verney, bart., who was created viscount Fermanagh, in Ireland, by queen Anne, which sir John Verney, viscount Fermanagh, was grandson of sir Edmund Verney, standard bearer to king Charles the first, and slain at the battle of Edgehill, who was grandson of sir Ralph Verney, knight, by Elizabeth, his wife, second sister (as before mentioned) and co-heiress to her brother John, the last lord Bray.

The other co-heirs are represented to be sir William Boothby, bart., descended from Anne Bray, the eldest daughter of Edmund, and sister to John, the last lord Bray. Sir Percival Hart Dyke, bart., descended from Eridiswide, the third daughter. The duke of Bedford, in right of descent from Dorothy, the fifth daughter, and sir Francis Vincent, bart., as descended from Frances, the youngest daughter of Edmund, and sister and co-heir to John, the last lord Bray. But Mary, the fourth daughter, who married sir Robert Peckham, knight, is not named in the several pedigrees annexed to the claimant's case, though in the minutes of evidence an attempt is made to show that she died without issue. He died at Rome, and there is some reason to believe, that from him descended Mary Peckham, who married William Battine, grandfather of Dr. William Battine, LL.D., late king's advocate in Doctors' Commons, and chancellor of the diocese of Lincoln.

CHATHAM.

The family of Pitt, though not very ancient nor illustrious, in point of descent, has nevertheless become prominent in having risen to the rank of nobility, and acquired four peerages, three of which have been existing at the same time, namely, Chatham, Rivers, and Camelford; but, like all sublunary grandeur, they have now become extinct.

John Pitt, clerk of the exchequer in the reign of queen Elizabeth, had three sons, of which, sir William, the eldest, was also an officer of the exchequer, and settling at Stratfieldsea, in Hampshire, was ancestor of lord Rivers*. John Pitt, the second son, went to Ireland, and Thomas, the third son, was seated at Blandford, in the county of Dorset.

John Pitt, second son of Thomas, of Blandford, was in holy orders, and was rector of Blandford; he had issue many children, whereof his second son,

Thomas Pitt, was appointed, by queen Anne, governor of Fort George, in the East Indies, where he resided for many years, and there purchased that famous diamond (said to be the size of a pigeon's egg), which from him was called the Pitt diamond; and not meeting with a purchaser among the royal family, or the great nobility of England, was sold by him to the king of France, for £.135,000. He died in 1726, after his return to England, and was buried at Blandford. He married Jane, daughter of James, son of Adam Innis, of Reid Hall, in the shire of Murray, N.B., grandson of sir Robert Innis, of Innis, by the lady Grisel Stuart, daughter of James, lord Down and earl of Murray, by Margaret his wife, countess of Murray, daughter and heiress of James Stuart, earl of Murray, natural son of James V., king of Scotland, by which alliance his descendants acquired the honour of incorporating the sinister blood of royalty. Of his sons,

Thomas Pitt, the second son, having married Frances, daughter and co-heir

* Vide Rivers.

of Robert Ridgeway, earl of Londonderry, in Ireland, was by letters patent, dated at Dublin, 3rd of June, 1719, created baron of Londonderry; and in 1726, was advanced to the titles of viscount of Galen-Ridgeway, and earl of Londonderry, shortly after which he died in 1729, at St. Christopher's, in the West Indies, from whence his corpse was brought over, and interred at Blandford; he had issue two sons, Thomas and Ridgeway, successively earls of Londonderry, who both died unmarried, when their titles became extinct; the lady Lucy, their sister, married Pierce Meyrick, of Badorgan, in the Welch county of Anglesea, esq.

Robert Pitt, the eldest son of Thomas Pitt (the nabob), was seated at Boconnock, in Cornwall. He married Harriot, sister of John Villiers, earl of Grandison, and dying in 1727, was buried at Blandford. She had issue two sons and five daughters; of the sons, Thomas, the eldest, was father of the first lord Camelford, whose title is extinct*; and the youngest,

William Pitt, was that distinguished statesman who was first honoured with the peerage of Chatham. He first was a cornet of Horse, which, with a small annuity from his family, was his only provision, till the old capricious duchess of Marlborough was pleased to give him a legacy of £.10,000 by her will. His parliamentary career commenced in his opposition to the Walpole administration; but on the change of the ministry, in 1756, which took place by the resignation of the duke of Newcastle, he was appointed secretary of state in the room of Mr. Henry Fox: on his resignation of the seals, his wife was created baroness of Chatham, and he had a grant of a pension of £.3000 a year, during his own life, that of lady Chatham, and of John his eldest son; thus showing, that in lending his powerful talents to the aid of his party, he did not overlook his own private interest; for an old adage says, "*Charity begins at home.*"

The Buckingham administration being found imbecile, Mr. Pitt was called to form a new ministry, of which the then duke of Grafton was placed at the head, and the patriot commoner was created viscount Pitt and earl of Chatham, July 30, 1766; and he took the office of lord privy seal, which he

* Vide Extinct Baronage, Vol. III.

held till November 1768. The acceptance of the peerage lost him much of his popularity, but it raised his family to hereditary rank, and thereby introduced them to more influential consequence in the state, than, had they remained unennobled, they might have attained. His death-stroke in the House of Lords, the 8th of April, 1778, was of a tragical nature, the consequence, as supposed, of an over-ardent exertion in the delivery of an eloquent address, when his mental energy was not supported by his corporeal strength: he sunk into the arms of the assembled nobles, who hastened to receive their expiring brother; and he breathed his last shortly after he had been conveyed home from that senate, of which he had been so illustrious an ornament. His corpse was interred in Westminster Abbey, with high funeral honours, at the public expense; and a monument was voted to be similarly erected to his memory*; and £.20,000 was granted for the payment of his debts. His lordship married Hesther, only daughter of Richard Grenville, esq., sister to earl Temple, and by her had three sons: John, the next earl; William, of whom hereafter; and James-Charles, who was in the navy, and died S.P., at Barbadoes, in 1780: also two daughters, of which lady Hesther, married Charles, viscount Mahon, afterwards earl Stanhope; and the lady Harriot, who married Edward-James Eliot, eldest son of the first lord Eliot.

William, second son of the earl, was a statesman as distinguished as his father, but presided at the helm of government for a far greater number of years; during which period the agitated state of Europe required the prime minister of Great Britain, to be a man of no common talents. He came into parliament at the age of twenty-one, and when only twenty-three years old, was nominated chancellor of the exchequer to the earl of Shelburne, when he was appointed first lord of the treasury in 1782; shortly after which, that administration was overthrown, and he became, at once, first lord of the

* It has been before mentioned, that the earl had a pension of £.3000 granted to him, for his own life, that of lady Chatham, and of his eldest son John. It was now, upon his death, moved and carried that an annuity of £.4000 per annum, payable out of the civil list, should be granted in perpetuity to the heirs of the deceased earl, to whom his titles should descend. The extinction of those honours can be of no regret to the country.

treasury and chancellor of the exchequer, which offices he kept from December 1783, to July 1801; through peace and war, adversity and prosperity, with the most determined indifference to public clamour. As to the benefits of his ministry, much diversity of opinion prevails, which may not form a subject here to investigate; it may suffice to remark, that his relatives, paternally and maternally, were exalted to rank, and largely provided for by place or pension. At his death, however, like his father, he was honoured with a funeral in Westminster Abbey, at the public expense, and in a similar manner had his debts paid. This unquestionably great man died in 1806, unmarried.

John, the eldest son, second earl of Chatham, was brought up in the army, and attained the highest military rank. In 1788, he was appointed first lord of the admiralty, in which office he continued till 1794: he was commander in chief of an unfortunate expedition to the isle of Walcheren, on which occasion, the public were highly dissatisfied with his conduct, and his military reputation was greatly impaired by the result: in 1796, he was made president of the council, and continued so till 1801, when he was appointed master general of the ordnance, a place which he held till 1806. He had conferred on him the order of the garter, and died in 1836, governor of Gibraltar: he married Mary-Elizabeth, daughter of Thomas Townshend, viscount Sydney, but having no issue, his peerage honours terminated on his decease.

It is rather a noticeable point, that of the four peerage creations in the family of Pitt, *viz.* first, Londonderry; second, Chatham; third, Rivers; fourth, Camelford; not one has descended beyond the sons of the first patentee.

CHESTER.

This was an ancient earldom, first created by William the Conqueror, and conferred on his nephew, Hugh Lupus, with palatine jurisdiction; as may be

more fully seen in the first volume of this work*. It was afterwards annexed to the crown, and has ever since been incorporated with the title of prince of Wales, in favour of the heir apparent to the throne : his late majesty George IV., when prince of Wales, had it with its revenues; and on his decease it merged in the royal dignity, and now remains dormant.

CORNWALL.

This dukedom, which immediately appertains to the eldest-born son of the king of England at his birth, without any personal creation, was last enjoyed by his late majesty George IV.: upon whose decease it merged, like the earldom of Chester, into the royal dignity, and at present remains dormant. But it may form a subject worthy the consideration of the country, how far the revenues of it, which are very great, ought not to be applied to the support of the heiress-apparent to the crown, when a female, and not a male, stands in that situation: the application, according to the principle of the annexation of it to the eldest born son of the king, made by Edward III., was for the purpose of giving him a separate income from his father, during the time he had to wait for the crown; and thereby not infringe upon the regal revenues, by requiring from the king a diminution for the maintenance of the heir apparent: as the point at this crisis stands, the king takes, in addition to his civil list, the distinct produce of the dukedom; and the heiress-apparent is left to be a charge to the public, while a fund is extant which might equitably be apportioned to her use. His majesty would sustain no loss, for his prescribed civil list is all he is entitled to from his people; and therefore, if he takes the revenue to himself, he ought himself to make a suitable allowance thereout: supposing he had a son, he would never have had the revenue.

* Vide Extinct Baronage, Vol. I.

COURTENAY.

This family, of very ancient and noble lineage, has already been noticed in the second volume of the dormant and extinct baronage, and there shown how its honours were considered to have terminated, or become suspended. The male line still remained, but without any peerage distinction, until his majesty, George III., was pleased to create sir William Courtenay a viscount, by the title of viscount Courtenay, of Powderham Castle, in the county of Devon, with limitation to the issue male of his body, in May 1762. This

William, first viscount Courtenay, only survived his elevation ten days, when he died, and was interred at Powderham. He married lady Frances Finch, daughter of Heneage, second earl of Ailesford, and by her (who deceased shortly before him, in 1761) had one son, William, his successor, and four daughters, *viz.* Mary, who died unmarried in 1783; Frances, who married sir John Wrottesley, bart.; Lucy, who married John Cotes, of Woodcote, in Shropshire, esq.; and Charlotte, who wedded Alexander Wedderburn, lord Loughborough, afterwards earl of Rosslyn.

William, second viscount Courtenay, the only son, married Frances, daughter of a Mr. Thomas Clark, of Wallingford, in Berkshire, and by her had one son and thirteen daughters; of these ladies, first, Frances, married sir John Honywood, bart.; second, Charlotte, Thomas Gifford, of Chillington, in Staffordshire, esq.; third, Isabella, unfortunately burnt to death, by her clothes having caught fire, March 4, 1783; fourth, Elizabeth, married to lord Charles Henry Somerset, second son of Henry, duke of Beaufort; fifth, Lucy, married to the hon. John Vaughan, second son of Wilmot, first earl of Lisburne; sixth, Harriet, married to lord George Thynne, son of Thomas, first marquess of Bath; seventh, Eleanor, died in 1789, unmarried; eighth, Anne, married the viscount Valentia; ninth, Caroline-Eustatia, married colonel Charles Morland; tenth, Amelia, died in 1789, young; eleventh, Matilda-Jane, married to major-general John Lake; twelfth, Sophia, wife of lieutenant colonel Foy; and thirteenth, Louisa-Augusta, married to lord Robert Edward Henry Somerset, another son of Henry, duke of Beaufort. His lordship died in December 1788, and was succeeded by his only son.

William, third viscount Courtenay, a nobleman, who, though descended from the most illustrious blood among the British peerage, tarnished the glory of his noble family by his propensity to an unnatural crime, for which a true bill being found against him, he absconded the realm, and never returned to put his innocence to the test of a jury; suffice it to say, he died an outcast to society and his country, at Paris, in 1836, when, not having any lawful issue, the title of viscount Courtenay ended with him. But here it is to be remarked, that not long before his death, he claimed the title of earl of Devon, which several ages before had been in his family; and his claim was allowed: thus he, in whom the title of a viscount was debased, had that of an earl conceded to him, which after passed to a collateral heir male of the family, for whose benefit and at whose instigation, the claim was most likely brought forward. As the nature of the claim contained some points particularly deserving notice, the following observations thereon, may be considered interesting.

THE EARLDOM OF DEVON.

This earldom was most certainly enjoyed by the Courtenay family for many successions, but it is to be borne in mind, that as it came into the family by female inheritance, so had it not been forfeited to the crown by attainder (incurred from party contentions), it would now have been vested in the heirs, or co-heirs general, of this illustrious house. The conferring of the title lastly made by queen Mary to the then heir male of the family, was, in fact, a recognition of the same honour which had been conferred upon his great grandfather, by king Henry VIII.; but that creation was to the *heirs male of his body*; whereas this, by the queen, was to the *heirs male*, without *that restriction*.

Here arises the question how far this last creation was intentionally meant to let in the heir male general, whoever he might be, or from whatsoever collateral branch he might descend; or was intended only to apply to the heir male of the body of the person created earl. At the time queen Mary gave the title to sir Edward Courtenay, he was heir general to the

ancient earldom (provided all issue had failed from Edward, the third earl of Devon), and, as such, he was a fair candidate for the revival of his hereditary honours. On his death, without issue, his cousins, the respective heirs at law of his four grand aunts, Isabel, Maud, Elizabeth, and Florence, were his next heirs, and co-heirs general of the ancient earldom, so far as the line of succession would have entitled them thereto, had not the said ancient earldom, by its attainder, in the person of Thomas, the sixth earl, been forfeited to the crown, and its original course of female descent thereby extinguished.

It is in this place to be examined, whether the attainder, before mentioned, of Thomas, the sixth earl, in the first of Edward IV., did absolutely extinguish the earldom in him, inasmuch as by the act of the first of Henry VII., it was declared to have been "*against all righteousness, honour, and nature, inordinate, seditious, and slanderous.*" Yet, till this attainder should be reversed, it must be deemed a forfeiture, by which the honours, as well as the estates of the earl, became vested in the crown. The favour of the crown might have been in behalf of the immediate heirs of the earl, as had been done in favour of the heirs of those noblemen who had been attainted at the same time; but had it been so exercised, then the heir male (as observed in the claimant's printed case) would not have been entitled to the enjoyment of either. He therefore preferred his self-interest and ambition to the interference of his influence to promote the cause of justice, and he left the right heirs to incur the penalty of the law in the loss of their inheritance, while he stepped into their shoes to obtain it for himself.

Thus the title of earl of Devon, revived in sir Edward Courtenay, of Hacombe (grandson of Hugh, younger brother to Edward, the third earl, the great grandfather of Thomas, the sixth, and attainted earl), was a creation *de novo* by Henry VII., and the limitation a different one to that of the ancient earldom being confined to the *heirs male of his body*.

This creation became afterwards forfeited, and the earldom was recreated again by Henry VIII., and the patent similarly restricted the succession to *heirs male of the body*. This creation also was afterwards forfeited, and the earldom was once more revived by queen Mary; but in the patent of creation, the course of descent was not limited as before to *heirs male of the body*, but

extended to *heirs male* (without definition) *for ever*; thereby opening, as contended, the succession to the *heirs male collateral of the grantee*, being persons in no way descended from either of the earls restored by Henry VII. or Henry VIII. This extension is endeavoured to be accounted for, in consideration of the nobility of his birth, and his proximity in blood to the queen; yet these considerations were equally as strong when king Henry VIII. conferred the title on sir William Courtenay, who had married his aunt, namely, his mother's sister, still the king did not think fit to grant so large a limitation; nor has such a limitation ever been before introduced into any patents of the creation of peerage titles. It would, therefore, seem most probable, that the words *de corpore*, after *hæredibus masculis*, were accidentally omitted in the privy seal bill, which was the precept for the patent of queen Mary; and thus the omission made by the privy seal writer, was followed by the patent, and laid the foundation for the ingenious construction assumed, and the fortunate assent given to it by the lords' committees for privileges.

And here the language used by the lords' committees (before cited) appointed to inquire into all matters touching the dignity of a peer of the realm, in their report, ordered to be printed the 13th of June, 1816, may be applicable, *viz.* "That the crown, in the exercise of its prerogative, has not
" always been fully instructed, and that even the whole parliament has
" given the sanction of legislative authority, where it may be doubted,
" whether, if rightly informed, that sanction would have been given."

Had the crown not supposed that the title terminated with the death of the last earl (restored as aforesaid) without issue, it surely would not have conferred it upon another family. But it did so; for king James I., in 1603, created Charles Blount, lord Montjoy, earl of Devon, and he, having deceased in 1606, without legitimate issue, the same king, by letters patent, dated in August 1618, advanced William, lord Cavendish, to the title of earl of Devonshire, which title still remains in the Cavendish family, though, at present, merged in the higher dignity of duke of Devonshire.

Judging then, from these two creations, that the crown acted upon the conviction that it had power to confer the title (as a vacant one) upon any family it chose, it must appear rather extraordinary, that the male heir of

the great house of Courtenay should have viewed, with passive indifference, so high an honour (and one which had been for so many generations in its own descent) granted to a stranger in blood, and should not have preferred to the fountain of power an humble prayer for the allowance of the honour to itself. But it is argued in the printed case, that, it is *presumed*, the patent itself passed with the title deeds of the lands to the heirs of the last earl, and did not fall into the hands of the heir male. This might be, as it is with subtilty conjectured, yet the heir male could not but be aware, that as the earldom had been so long in the family, and had been three several times granted to the heir male; the death of the last earl, without issue, at least opened the door for an application to have it revived in the person of the then heir male. And even supposing the patent itself had passed, as conjectured, to the heirs general, with the title deeds of the land, there yet remained an office of record to search for its registration, where it could as well have been found there set forth, as the copy produced on this occasion. But the taciturnity of the heir male, and of his descendants, since him, for so long a time, cannot otherwise than carry with it a belief that the earldom was never conceived to be descendible upon any other than the *heir male of the body* of the earl last created.

The words of the patent must be allowed to bear their own meaning, and as such, to be defined from the limitation actually recited. Arguments or suppositions must give way to the contents of the instrument of creation; and the known principles of the law, that a right to the dignity of the peerage cannot be affected by non-claim of years, must also be conceded: nevertheless, in the present case, the limitation being so very different from the origin of the earldom—so very different from its two antecedent grants, after its forfeiture—there remains every reason to conclude, that the last limitation arose from the accidental lapse of the words *de corpore* in the Privy Seal Bill, of which the patent was a copy, and not from the real meaning of the queen to extend the honour to so interminable a series of heirs.

The actual possession of the title by another family, offers an anomaly of two earldoms of the same name existing at one time; for though the one is now exalted into the superior of duke, it may still so happen, that upon the failure of the ducal line, that of the earl may thereafter continue to be enjoyed by

some distant branch of the Cavendish line ; and here it is evident, that the one was only granted because the other was deemed extinct.

In the instance of the barony of Willoughby, of Parham, it is shown that a younger member of the family assuming the extinction of male issue in the elder line, because it had not been heard of for many years, obtained possession of the title, and had summons to parliament, and sat therein for several successions. It at length so happened, that the heir male of the elder branch made his appearance, and petitioned his majesty for allowance of his right against the baron then bearing the honour. This petition was referred to the attorney-general, who did not then make any report thereon. But the petitioner proceeded to petition the House of Lords, praying that no writ of summons might be issued to the person then called baron Willoughby, till his own claim had been determined. The petition was read, but no order was made by their lordships, and the lord chancellor issued his writ to the lord Willoughby, who thereafter continued to enjoy the title till his death, when, having no issue male, the claimant renewed his pretensions, and finally was allowed the barony.

In alluding to this proceeding, it would seem that the House sanctioned the principle, that the party in possession could not be divested of his honour, though he held it contrary to right, and there was a prior heir, who, in truth and justice, was entitled thereto ; this may, in some degree, be a case in point, to the claim of viscount Courtenay, and the possession of the duke of Devonshire, while the tacitness of the Courtenays in accepting a peerage of inferior rank, manifests an approbation that the earldom had been consistently conferred on the Cavendish family.

In the argument by counsel, the limitation "*hæredibus suis masculis in perpetuum*," is said to be like the case of the earldom of Annandale (a Scotch earldom) ; but that case not having been *even yet* decided, it must be strange to cite as an example, a case *sub lite*, and, consequently, not a legal precedent. But the several claimants to the Annandale peerage found their pretensions under the word "*hæredibus masculis*," implying *heirs male of the body*, whom failing, then opening the succession to the heir male of the body of the heir female, to the last male lord ; and in maintaining this doctrine, they insist that where the words are *hæredibus masculis*, without the

adjunct of *quibuscunque*, or, the words *arma et nomen familiæ gerentibus*, they import *heirs male of the body*, and not *heirs male collateral*, the said terms pointing out the converse meaning.

This decision in favour of lord Courtenay is of great importance, inasmuch as while it determines the point that the words in the Devon patent, *hæredibus suis masculis*, mean heirs male whatsoever, and that they were purposely inserted, and not accidentally so left in the patent of queen Mary, it introduces room for a new construction to be put upon the writ of summons to parliament of the 8th of Edward II., whereby the judges were summoned by the same writ as the peers; and as such, upon the principle now laid down, that the *letter of the instrument* is to govern the judgment, and not the intention; then those legal personages were created peers of the realm (*i. e.* provided they had their sitting among the peers, under their writs), with an inheritance to the heirs general of their bodies in fee tail. From the heirs of some of these persons a few claims may very likely, ere long, be brought; and also, as a consequence of the decision, a few more heir male general claimants start up.

The time usually taken up in claims of this kind, either before the attorney general, or the lords' committee of privileges, was, on this occasion, singularly short; and it cannot but strike the public as extraordinary, that a person like the claimant, who ought to have thought himself happy that his titles and estates had not been forfeited, or he himself paid the debt to the law, like the lord Hungerford, of Heytesbury, should have had the effrontery to claim higher honour than the one he held, but did not hold with an unsullied character. The society for the suppression of vice would not have acted contrary to the objects of its institution, had it petitioned the House of Lords against even entertaining the case, much less of allowing more elevated rank to a man who had so contaminated the one he already held; for a true bill was found against him for his offence, and he never ventured to put the question of guilt to a jury to purge the accusation. Had a bill of such a nature been found against a less important personage, and had it been read before their lordships' committee for privileges on a similar claim, as an objection *in limine*, it can hardly be imagined but that their lordships would have adjourned its hearing *sine die*.

While making these observations, it is not meant to impugn the justice of the decision. It is the insulting arrogance which gives surprise, that one who ought to have borne himself lowly and meekly, should have started forward to claim precedency over all the earls since the time of queen Mary, and possibly over some long before, if the same patent can be construed to give him the precedency of his early ancestors. If noble lords feel no disgrace to have him put over their heads, yet the public cannot but be astonished, that he should presume to claim a dignity which, after being allowed, he dared not attend the House to take his seat therein, or take those oaths to the sovereign which would then have become necessary. But after this remark, it may be asked, though his majesty thought fit to confirm the resolutions of the lords' committee of privileges, would he receive such a nobleman at his drawing room? Could he be introduced to the queen?

The approbation of the lords' resolutions may be considered as a ministerial act of the royal prerogative, while the reception at court might admit of a deliberation on the point of moral propriety necessary to be observed before the public. It only remains for those who hold that their reputation, like Cæsar's wife, should be without suspicion, to deplore that the exaltation of the peerage dignity should take place in one, whose degradation, it was thought by the better part of society, ought long ago to have been the consequence of even handed law, administered alike to the high and the low.

Had the person who has succeeded to the earldom upon the decease of viscount Courtenay, waited that event, and then brought forward the claim, much of the foregoing observations might have been suspended. No doubt he had good reasons for urging the subject during lord Courtenay's life. This is not necessary here to inquire into*. The title of earl of Devon in Lord Courtenay, will be left to the same epitaph as was made on the once fair Rosamond:

“ Non redolet, *sed olet.*”

* Vide printed letter, addressed to Lord Brougham, on the Devon case. London, 8vo. WILSON, May's Buildings, St. Martin's Lane.

DAWNEY.

Sir Nicholas Dawney, originally written D'Anney, of an ancient family in Cornwall, had summons to parliament among the barons of the realm the 1st of Edward III., but never after. He is said to have died the 7th Edward III., and to have had two sons: first, Thomas; second, Sir John of Madfordferry, in Somersetshire; whose only daughter, Emme, married Edward Courtenay, son and heir apparent to Hugh, the second Courtenay, earl of Devon.

Thomas Dawney, the eldest son, was ancestor to sir John Dawney, who was created by king Charles II., in 1680, viscount Dawney, of the county of Downe in Ireland. His great grandson,

John, fourth viscount Downe, married Laura, only daughter and heiress of William Burton, of Luffenham, in Rutlandshire, esq. (by Elizabeth his wife, daughter of George Pitt, of Strathfieldsay, esq.) and had issue five sons and two daughters. Of the sons, the eldest,

John Christopher, fifth viscount Downe, assumed the name of Burton; and, being interconnected by descent with the then predominating minister, Pitt, was advanced to the English peerage by the title of lord Dawney, of Cowick, in the county of York, and to the heirs male of his body, 28th May, 1796. Dying S.P., the barony of Dawney became extinct.

DE CLIFFORD.

The barony of De Clifford is among the most ancient titles of the kingdom, and continued from before the time of Henry II. to the 3rd of king James I., in the male line, though for a period of several successions dormant in the superior dignity of earl of Cumberland, to which Henry lord De Clifford had been advanced by king Henry VIII.; but on the death of George, the third earl—in the 3rd of James I.,—without issue male, it separated from the earl-

dom, and became inheritable by his daughter and heiress Anne, who married Richard, earl of Dorset*. She deceased leaving only two daughters her co-heiresses; but Margaret, the eldest, who married John Tufton, earl of Thanet, eventually became sole heiress. She had issue several sons, who succeeded each other in the earldom of Thanet; but Thomas, the sixth earl, dying, without surviving issue male, his five daughters became his co-heiresses, and the barony of De Clifford fell into abeyance. Of these daughters,

The lady Margaret Tufton was the third. She married sir Thomas Coke, of Holkham, in Norfolk, K.B. who was created baron Lovel, viscount Coke, and earl of Leicester. To this lady the barony of De Clifford was given, and the abeyance thereby determined in her favour. She died in 1775, without surviving issue, and the barony again fell into abeyance; on which event the king was pleased to confirm it to Edward Southwell, esq. grandson of Catherine, eldest sister to the said Margaret, countess of Leicester; which Catherine had married Edward Watson, viscount Sondes; whose only daughter, Catherine, and sole heiress, married Edward, father of the said Edward Southwell, esq.

The family of Southwell is said to have taken its name from the town of Southwell, in the county of Nottingham; the chief branch continued in residence there, and were lords thereof, till the reign of Henry VI., when the family began to spread in the eastern and southern counties, where they were persons of distinguished worth and eminence.

John Southwell†, of Felix Hall, in Essex, had two sons, Robert, hereafter mentioned, and John, who was ancestor to the viscount Southwell, in Ireland.

Robert Southwell, the eldest son, had issue, Richard, who married Amy, daughter and heir of sir Edmund Wychingham, of Woodrising, in Norfolk, by Alice, daughter and heir of sir John Falstolfe, knight, with whom he acquired that manor; and quitting Felix Hall, fixed his residence there, where his posterity had a fine seat and park. By this lady he had two sons; Robert, who died without issue; and

* Vide Dormant and Extinct Baronage; Vol. II.

† Lodge's Irish Peerage; Vol. IV., page 223.

Francis Southwell, ancestor to sir Robert Southwell, clerk of the privy council to king Charles II., and afterwards, envoy extraordinary to the elector of Brandenburg. By king William III. he was appointed principal secretary of state for Ireland; and was five times chosen president of the Royal Society. He died in 1702, at his beautiful seat at King's Weston, near Bristol. By Elizabeth, his wife, daughter of sir Edward Dering, bart., he had four daughters and two sons: whereof,

Edward Southwell, the eldest, married Elizabeth, daughter and sole heiress of William, lord Cromwell, and earl of Ardglass, descended from Thomas Cromwell, earl of Essex in the reign of Henry VIII.: by her he had three sons; whereof, two died in their infancy, and the survivor was his heir, and heir to his mother in the barony of Cromwell.

Edward Southwell, only surviving son, married Catherine, daughter and heir to Edward, viscount Sondes, by the lady Catherine Tufton, his wife, eldest daughter and co-heir of Thomas, sixth earl of Thanet, and by her he had issue,

Edward, baron de Clifford, so confirmed as before stated. He married Sophia, daughter of Samuel Campbell, of Mount Campbell, in the county of Leitrim, in Ireland, and had issue; first, Edward, his successor; second, Robert-Campbell, who died in July 1793; third, Henry, died an infant in 1777; fourth, John, born in 1774, died in 1778; fifth, Mary, died in 1789; sixth, Catherine, born in 1768, died in 1801, having married colonel George Coussmaker, by whom she had issue a son, George, born in 1797; and a daughter, Sophia; seventh, Sophia, born in 1771, who died in 1795, having married John, viscount Sydney, and leaving issue by him; eighth, Elizabeth, born in 1776, married William-Charles, earl of Albemarle, and had issue; ninth, Henrietta, born in 1777, married, in 1799, to Frederick, a younger son of Peter Delme, esq., she died in 1800, having had an infant son, who died in a few weeks afterwards. His lordship survived the allowance of the barony a very short time, deceasing the 1st of November, 1777; when he was succeeded by his eldest son

Edward, second Southwell baron de Clifford. He married the lady Mary-Elizabeth Bourke, daughter of Joseph, third earl of Mayo, and archbishop of Tuam; but having no issue by her, the barony of de Clifford

terminated in the name of Southwell on his lordship's death, in 1832, and fell into abeyance among his sisters: and his majesty king William IV., was thereupon pleased to determine the same in favour of Sophia, wife of John Russell, esq., third son of the late lord William Russell, a commander in the Royal Navy, as the eldest co-heir to the said Edward, lord de Clifford, February 1833, and only surviving issue of colonel George Coussmaker, by his marriage with the hon. Catherine Southwell, before mentioned.

DE DUNSTANVILLE.

The name of Basset is undoubtedly very ancient, but according to sir William Dugdale, citing Ordericus Vitalis, Ralph Basset, the founder of the family, was raised by king Henry I., from a very low condition, and had conferred upon him a very ample estate; and moreover, was constituted justiciar of England. He had four sons, from whom proceeded the several branches*, who, for many generations, were powerful barons in the midland counties of England, and whose descent is set forth more fully in the first and second volumes of this work†, and of whom an account may be found in the topographer, a very interesting publication‡.

In the last edition of Collins's Peerage, edited by sir Egerton Brydges, it is stated that Thomas Basset, a very early cadet of the family (and said to be grandson of Ralph, the C.J.), married *Cicely*, the daughter and heiress of Alan, lord de Dunstanville, maternally descended from Reginald Fitz-Henry, earl of Cornwall, natural son of king Henry I. Vincent names her *Alicia*, and her husband, Thomas Basset, second son of Ralph, the C.J.

Sir William Pole, in his description of Devonshire, derives the family from Osmund Basset, who held Ispiden and Stoke Basset, in the time of Henry I. The question of ancestral descent is involved in much obscurity, which it is not

* Vide Dugdale's Baronage, Vol. VII. † Vide Extinct Baronage, Vols. I. and II.

‡ Vide Vol. II., p. 318.

here important to discuss. It may be sufficient to observe, that the Bassets of Cornwall, about the twelfth century, acquired the estate of Tehidy, in Cornwall, in which county they have continued to be persons of consideration and large landed property. By several subsequent marriages, they became possessed of lands in Devonshire, particularly the two noble seats in that county, of Umberley and Heanton, land which sir John Basset obtained by marriage with Jane, daughter of sir Thomas, and sister and heir to Philip Beaumont, of Sherwell, in that county.

This sir John Basset, by Jane Beaumont, had another sir John, his eldest son, of Umberley, who by Honora, daughter of sir Thomas Granville, had two sons, *viz.* John and George, which

George Basset, by the gift of his nephew, sir Arthur, of Heanton Court, had the manor of Tehidy, in Cornwall, as appears by a conveyance, dated March 26, 1558. He married Jacquetta, daughter of George Coffin, of Portledge, in Devonshire, and had an only son, James, who by Jane, daughter of sir Francis Godolphin, knight, had five sons and four daughters: of the sons, the eldest three were eminent for their loyalty in the time of the civil war, when the family fortune suffered much.

Sir Francis Basset, the eldest son, died in 1645, having had issue by Anne, his wife, daughter of sir Jonathan Trelawney; John, his second son, and heir male to his brother Francis, which John died in 1656, and was buried at Illagan, in Cornwall, at which place his great grandfather, George, was interred. He married Anne, daughter and heiress of Robert Delbridge, of Barnstaple, and had three sons and two daughters, who both died unmarried.

Francis Basset, the eldest son, was of Tehidy, and married Lucy, daughter and heiress of John Kell, esq. and had issue an only son, Francis, which

Francis Basset, to his second wife, married Mary, daughter and heiress of the Rev. John Pendarves (rector of Dunsteignton, in the county of Devon), and had issue two sons, *viz.* John-Ralph-Pendarves Basset, who, by Anne, his wife, daughter and co-heiress of sir Edmund Prideaux, bart., had a posthumous son, John-Prideaux Basset, who died in 1756, S.P. aged 16, and was buried at Illagan, when his uncle Francis became his heir. This

Francis Basset, the younger son of the before-mentioned Francis, succeeded

to the estate at Tehidy. He died in November 1769, and was interred at Illagan. By Margaret, daughter of sir John St. Aubyn, bart., he had several sons, whereof, the eldest,

Sir Francis Basset, was created a baronet in 1779, and was raised to the peerage June 17, 1796, by the title of lord de Dunstanville, of Tehidy Park, in Cornwall, to him and the heirs male of his body; but not having any issue male, in order to keep the peerage in his family, he was further created, in November 1797, Lord Basset, of Stratton, in Cornwall, with remainder, in default of issue male, to Frances, his only daughter, and her issue male. His lordship married, in 1780, Frances Susanna, daughter and eventually co-heiress of John-Hippisley Coxe, of Stone-Easton, in Somersetshire, by whom he had his only daughter, Frances. On his lordship's death, in 1836,

The barony of De Dunstanville became extinct, and that of Basset, of Stratton, remained to pass, according to its limitation.

DE GREY, vide LUCAS.

DE LA ZOUCHE.

This title has been set forth in the second volume of the Dormant and Extinct Baronage, under the article of *Zouche of Haryngworth*, and there shown to be then under claim by Sir Cecil Bishop, bart., as one of the co-heirs to Edward, the last baron Zouche of that place. The lords' committee for privileges, having reported in his favour, so far that he had made out the character he claimed under, his majesty was pleased to determine the abeyance, and by writ of summons, in July 1815, to call him to the House of Lords, in the seat of his ancestor the first lord Zouche of Haryngworth.

The family of Bishop is of more antiquity than honour, if it be descended, as it is said, from *John le Bishop*, a natural son of the famous Thomas à

Becket, archbishop of Canterbury, *temp.* Henry II., which surname was given him to denote his parentage.

In the printed baronetage account of the family, it recites, that

Sir Thomas Bishop, the first baronet, was son of Thomas Bishop, of Hurdfield, in Sussex, who by marriage with Elizabeth, natural daughter of sir Edward Belknap, knt. (and relict of William Scott, of Essex, esq.) acquired a considerable estate in that county.

Sir Cecil Bishop, lord de la Zouche, was his heir male, and was the first of his stock who arrived to the peerage dignity, which he enjoyed about fourteen years; but dying in 1828, without surviving issue male, the barony of De la Zouche, has ceased in the Bishop name.

His lordship married Harriot Anne, daughter and heiress of William Southwell, esq. uncle of Edward, lord de Clifford, and by her had two sons; whereof Cecil, the eldest, was in the army, served at the battle of Corunna, was afterwards aide-de-camp to general Grosvenor in the Walcheren expedition; was for some time aide-de-camp to the duke of Wellington in Portugal; and finally, was appointed inspecting field officer of the Canadian militia, in the American war; in which country—while leading back a detachment he had commanded, in an attack on the American stores, at Black Rock, on the frontiers of Upper Canada—he received a wound, of which he died a few days after, in July 1813. He married Charlotte, daughter of the earl of Leicester, afterwards second marquess Townshend, but left no issue by her.

Charles Cecil, second son, was in the Royal Navy, but died at Jamaica, in 1808, of the yellow fever. Harriot Anne, the eldest daughter, married Robert, son of the first viscount Curzon, and in her, and her issue, the barony of Zouche is at present vested. The abeyance between her and her younger sister, Katherine-Annabella, wife of captain George-Richard Pechell, R.N. having been determined in her favour by his majesty, January 8, 1829.

DOUGLAS OF LOCHLEVEN.

George Douglas, sixteenth earl of Morton, in Scotland, was created an English peer, in 1791, by the title of baron Douglas, of Lochleven, in North

Britain. He was for many years lord chamberlain of the household to her majesty queen Charlotte. He died unmarried, in 1827, when, for want of issue male, his English peerage terminated.

DUDLEY AND WARD.

The barony of Dudley, as shown in the second volume of the Dormant and Extinct Baronage, having upon the death of William, lord Ward, in 1740, S.P. separated from that title, the said barony of Ward devolved upon John, the sixth lord, grandson and heir male of William, the youngest son of Humble Ward, the first baron, which

John, sixth lord Ward, in 1763, was created viscount Dudley and Ward. He died in 1774, leaving by his first wife a son, John, the second viscount, who died S.P. in 1788; and by his second lady a son, William, who succeeded his half-brother as third viscount; he died in 1823, and was succeeded by his only son, John-William, which

John-William, fourth viscount Dudley and Ward, was, in 1827, created viscount Ednam, of Ednam, in the county of Roxburgh, and Earl Dudley, of Dudley Castle, in Staffordshire. His lordship died in 1833, unmarried; when the titles of viscount Dudley and Ward, viscount Ednam, and earl Dudley, expired for want of male issue; and the barony of Ward devolved upon William-Humble Ward, grandson of the rev. William Ward, brother of John, the sixth baron Ward.

EDINBURGH.

The title of duke of Edinburgh—which was conferred by his majesty George III., upon his younger brother prince William Henry, when he created him duke of Gloucester—was not a Scotch peerage, although bearing the name of that city, the capital of the kingdom of Scotland. It is to be

observed that, after the union of the two kingdoms, Scotland became incorporated into that of England, and lost its individuality; hence the creation of a peer, by the title of any place therein, constitutes him not a peer of Scotland, but a peer of Great Britain, and as such, entitles him to a seat in the English House of Lords. Upon the death of the late duke of Gloucester and Edinburgh, both titles became extinct, as under the first-named honour will be further noticed.

EDNAM, vide *DUDLEY AND WARD*.

ELLESMERE, vide *BRIDGEWATER*.

ENFIELD, vide *ROCHFORD*.

GAMBIER.

This family is not native English, but came from Caen in Normandy, in the person of Nicholas Gambier, who settled in England, and was of the parish of St. Mary-le-bow, in the city of London. He died in 1724.

James Gambier, eldest son of Nicholas, was warden of the Fleet prison, and died in Lincoln's Inn Fields, about the year 1745, when his will was proved. By Mary, daughter of ———— Mead, he had four sons and three daughters: of the latter, Susan married sir Samuel Cornish, bart.; Elizabeth died single; and Margaret married sir Charles Middleton, afterwards created lord Barham. Of the sons, James Gambier, the second, was admiral of the red squadron, and died in 1789, leaving issue; Samuel, the third son, was

a lawyer, and died at Providence, in the Bahama Islands, S.P. ; Robert, the fourth, died at Knightsbridge, in 1787 ; and the eldest son,

John Gambier, was lieutenant-governor of the Bahama Islands, and died in 1782, having had issue, by Deborah his wife, daughter of ——— Stiles, of the Island of Bermuda, four sons and four daughters : of the former,

Samuel Gambier, the eldest, was a commissioner of the navy, and married Jane, daughter of Daniel Mathew, of Felix Hall, in Essex, esq., by which lady he had seven sons and seven daughters.

James Gambier, the second son of John, was brought up in the royal navy, and was made post captain in 1778 : in the glorious victory of the 1st of June, 1794, by lord Howe over the French fleet, he commanded the Defence ; the year following he was promoted rear-admiral ; in 1799, vice-admiral ; and in 1805, admiral.

Upon sending out the grand fleet to attack Copenhagen, in June 1807, he was appointed commander-in-chief ; when, the expedition terminating favourably, he was, on his return, as a reward for his services, advanced to the peerage, by patent, dated in November 1807, by the title of lord Gambier, and baron of Iver, in the county of Buckingham, with limitation to the issue male of his body. He married Louisa, daughter of Daniel Mathew, of Felix Hall, in Essex, esq., which lady was sister to Jane, the wife of his eldest brother, Samuel. Having no issue, the peerage became extinct upon his lordship's death, in 1833.

GLASTONBURY.

This is a younger branch of the house of Grenville, now duke of Buckingham and Chandos.

James Grenville, fourth son of Richard Grenville, of Wotton, in the county of Buckingham, esq., by Hesther, countess of Temple, his wife, was for some time one of the lords of Trade and Plantations, deputy paymaster of the forces ; afterwards one of the lords of the Treasury, cofferer of the king's household, and a privy councillor. He died in 1783 ; having married Mary,

daughter of James Smith, esq., of Harding, in Hertfordshire, and by her, who deceased before him, in 1757, had two sons; whereof, Richard, the youngest, was in the army, and in 1801 was promoted to the rank of general, and

James Grenville, the eldest son, in 1782 was appointed one of the lords of the Treasury: he was also a lord of Trade and Plantations, and sworn of his majesty's privy council, in 1797. He was raised to the peerage by the influence of his cousin, Mr. Pitt, then prime minister; and by letters patent, dated in October, created lord Glastonbury, of Butleigh, in the county of Somerset, with a collateral remainder to his brother, general Richard Grenville, who died S.P. in 1823.

GLOUCESTER.

William-Henry, third son of Frederick, prince of Wales, and younger brother to the late king George III., was, by his majesty, after his accession to the throne, created, in Nov. 1764, duke of Gloucester and Edinburgh, in Great Britain, and earl of Connaught, in Ireland.

His royal highness made no conspicuous figure in public life nor in any military capacity, though he held the high rank of field marshal in the army. In 1766, he married Mary, natural daughter of sir Edward Walpole, and widow of James, earl of Waldegrave, a marriage which, with that of his brother, the duke of Cumberland, caused the royal marriage act to be brought forward and passed in parliament. By his duchess, he had issue, one son and two daughters; the princess Sophia-Matilda, born at Gloucester House, the 29th of May, and baptized the 26th of June, 1773; and the princess Carolina-Augusta-Maria, born at Gloucester House, in June, 1774, who died the March following, 1775. His royal highness died the 25th of August, 1805: and was succeeded by his only son,

Prince William-Frederick, second duke of Gloucester. He, like his father, was a field marshal in the army, and in private life sustained an excellent character. He married his cousin, the princess Mary, daughter of his majesty

George III., but by her (who survived him) he had no issue: and dying in 1834, his titles ceased with him.

GORDON OF HUNTLEY, vide NORWICH.

GRENVILLE.

William-Wyndham Grenville was the third and youngest brother of the late marquess of Buckingham, and, during the Pitt administration, was advanced to the peerage by the title of lord Grenville, of Wotton, in Buckinghamshire, the 25th of November, 1790. He was, like his cousin, Mr. Pitt, a student for the bar during a short period, and, like him, he quitted the law, and entered into the same political career; for ten years he filled the office of foreign secretary of state, and quitted it upon the secession of Mr. Pitt from office in 1801. His political life requires no mention here, it lives too well in the remembrance of the acts of Mr. Pitt's administration; towards the last few years of his life, he existed in retirement from all public business, though still holding the lucrative place of auditor of the Exchequer, with the honourable office of chancellor of the university of Oxford. His lordship married Anne, sister and at length heiress of Thomas Pitt, the second and last lord Camelford, by whom he had no issue; and deceasing in 1834, his barony terminated with him.

GREY DE RUTHYN.

In the second volume of the Dormant and Extinct Baronage, the descent of this title has been shown from its first creation to the marriage of lady

Barbara Yelverton—sole daughter and heir of Henry Yelverton, baron Grey de Ruthyn, and third and last Earl of Sussex of his name—with Edward-Thoroton Gould, of the county of Nottingham, esq. by which marriage the barony came into the family of Gould.

The name of Gould is of some antiquity, and though never ennobled, has had various members honoured with knighthood, and the baronetage; and some who have filled the justice seats in the courts of law. Mr. Gould was for many years colonel of the Nottinghamshire militia; and, after the death of lady Barbara, his first wife, married a sister of the late lord Dormer, by whom he had several children: but by lady Barbara, he had only a son, Henry; a daughter, Barbara, who died young; and a daughter, Mary, who married, in 1807, the honourable and reverend Frederick Powys.

Henry Gould, lord Grey de Ruthyn, only son of colonel Gould, by lady Barbara, his wife, on the death of his maternal grandfather, Henry, Earl of Sussex, in 1799, succeeded as the eighteenth baron, and afterwards took the name of Yelverton. His lordship, however, did not enjoy his peerage dignity long, but died in 1810, leaving, by Anna Maria Kelham, his wife, an only daughter and heiress, Barbara; who married George, now marquess of Hastings, by which alliance, after a great length of time, the two families of Hastings, earls of Pembroke and of Huntingdon, have become united in their respective heirs general.

At the coronation of their majesties, George and William the Fourth, the baroness claimed to carry the golden spurs (as her ancestors, the earls of Pembroke had theretofore done), and her petition was allowed by the lords commissioners of claims.

HARCOURT.

This family is unquestionably of very ancient and noble descent; but after the very laboured account given of it in the last edition of Collins's Peerage, by sir Egerton Brydges, it must appear rather singular that, with all its connections, and intermarriages with so many great and powerful families, it

should not have obtained the rank of peerage till so late a period as the eighteenth century, when

Sir Simon Harcourt, only son of sir Philip Harcourt, of Stanton Harcourt, in Oxfordshire, by Anne, his first wife, daughter of sir William Waller, of Osterly Park (by Anne, daughter of Thomas Finch, earl of Winchelsea), having studied the law in the Inner Temple, became eminent at the bar, and in 1702 was knighted, and appointed solicitor-general to queen Anne; in 1707 was advanced to the place of attorney-general; and in 1710 was constituted lord keeper of the great seal: after this, in September 1711, he was created a peer, by the title of baron Harcourt, of Stanton Harcourt, in Oxfordshire, with limitation to the issue male of his body. The year following, the 7th of April, 1712, he was declared lord chancellor; and in 1721 was created viscount Harcourt. Historians have not left any very prominent traits of him: his political principles may be judged from his adherence to Harley, though sir Robert Walpole, who well observed *that every man had his price*, won him over before his death.

His lordship died in 1727, having had three wives, but issue only by his first; who was Rebecca, daughter of Thomas Clark, esq. By her he had two daughters, *viz.* Anne, who married John Barlow, of Slebeck, in Pembrokeshire, esq. and Arabella, who wedded Herbert Aubrey, of Cley-Hanger, in Herefordshire, esq.; also three sons, whereof Philip and Walter both died in their infancy, and Simon, his eldest son, also died before him, in 1720; having married Elizabeth, daughter of John Evelyn, esq. and had an only son Simon, who succeeded his grandfather; and four daughters, of which Elizabeth died unmarried; Anne died young; Martha married George VENABLES Vernon, afterwards lord Vernon; and Mary died an infant.

Simon, second viscount, successor to his grandfather, was by his majesty, George II., further dignified with the titles of viscount of Nuneham-Courtney and earl Harcourt, December the 7th, 1794. He is represented as the twenty-seventh in male descent from Bernard, a nobleman of the blood royal in Saxony; who, being born in Denmark, was surnamed the Dane, and the twenty-first from Ivo, the patriarch of the Harcourts in England; of whose elder brother, Robert, descended the Harcourts, mareschals and peers of France. This

Simon, first earl Harcourt, from time to time held some great office about the royal court. In 1761 he was nominated ambassador extraordinary to conclude the marriage of the princess Charlotte of Mecklenburg Strelitz with his majesty George III., and afterwards attended her to England. His lordship married Rebecca, daughter and heiress of Charles le Bass, of Pipewell Abbey, in Northamptonshire, esq. and by her had issue two sons, Simon and William, who succeeded each other in the earldom; and two daughters, Elizabeth, who married sir William Lee, of Hartwell, in Bucks., bart. and Anne, who died young.

This accomplished nobleman was accidentally drowned, in an old well in his Park at Nuneham, the 16th of September, 1777; supposed from his over-reaching himself to save the life of a favourite dog, who was found in the well standing at his lordship's feet.

George, second earl Harcourt, was a person of polished manners, and much respected among the refined circles of the court. He was, for many years, master of the horse to the queen. He married Elizabeth, daughter of George Venables, lord Vernon, but had no issue; and dying in 1809, aged 73, was succeeded by his only brother,

William, third earl Harcourt, who, embracing a military life, served in the American war with great reputation; and in the expedition to the continent in 1794, had the command of the cavalry: on the establishment of the Military College at Marlow, he was appointed governor; and on the death of his brother, succeeded him as master of the horse to the queen. He married Mrs. Lockhart, widow of Thomas Lockhart, of Craig House, in Scotland, esq. daughter of the rev. William Danby, of Farnley College, York, D.D. but had no issue, and his titles, in default thereof, terminated with his decease, in 1834.

LUCAS, OF CRUDWELL.

In the third volume of the Dormant and Extinct Baronage, it has been shown that sir John Lucas, who had been created lord Lucas, of Shenfield,

with limitation failing the issue male of his own body, to the issue male of his brothers, sir Charles and sir Thomas Lucas, having an only daughter, Mary, he obtained letters patent from the king, dated the fifteenth of Charles II., whereby she was created baroness Lucas, of Crudwell, in Wiltshire, with remainder to her issue, male or female, and with the special clause, that, in the case of co-heiresses, the title should not fall into abeyance, but descend as any other indivisible inheritance usually did at common law.

This Mary, baroness Lucas, of Crudwell, married Anthony, the eleventh Grey, earl of Kent, and by him had issue Henry, her son and heir, which

Henry, twelfth earl of Kent, and lord Lucas in right of his mother, was afterwards advanced to the dignity of duke of Kent in 1710*. He had issue a son, Anthony, who died in his father's life time, S.P. having been summoned to parliament as lord Lucas. He had also three other sons, who died before him, S.P. The lady Amabel, his eldest daughter, likewise died before him, having married John Campbell, viscount Glenorchy, eldest son of the earl of Breadalbane, and left issue an only daughter, Jemima.

The duke thus not having any issue male, to succeed to his honours, obtained from his majesty letters patent, creating him marquess Grey; and in default of issue male, then to the said Jemima Campbell, his grand-daughter, and her issue male†.

Jemima Campbell, marchioness Grey and baroness Lucas, succeeded to those titles on the death of her grandfather, the duke, in 1740; before whose decease she had married the hon. Philip Yorke, heir apparent to the chancellor, lord Hardwicke (afterwards the second earl), whom she survived. Her issue was only two daughters, the lady Amabel, hereafter mentioned, and the lady Mary Jemima, who married, in August 1780, Thomas Robinson, lord Grantham, but not having any issue male, the title of marchioness became extinct upon her decease, in 1797, when

Lady Amabel Yorke, her eldest daughter, succeeded to the barony of Lucas, of Crudwell; she married in 1772, Alexander, lord Polworth (eldest son and heir apparent to the earl of Marchmont), who was created lord Hume,

* Vide Dormant and Extinct Baronage; Vol. III., Kent.

† Ibid.

of Berwick*, but died in 1781, S.P. In 1816 she was created countess de Grey, of Wrest, in Bedfordshire, with a special remainder ; and in 1833 died, when the barony of Lucas descended to her nephew, Thomas, lord Grantham, in which title it is now dormant ; who also succeeded to the title of earl de Grey, of Wrest, by virtue of the before-mentioned limitation in the creation of that title to the deceased countess, his aunt.

NORWICH.

Henry, lord Howard, of Castle Rising, brother to Thomas, duke of Norfolk, was created earl of Norwich, Oct. 29, the 24th Charles II., to him and the heirs male of his body. He afterwards succeeded Thomas, his brother, as sixth duke of Norfolk, whereby his own honours merged therein, and so continued till the death of his grandson, Edward, the ninth Duke, without issue, in 1773, when they became extinct, by the failure of all heirs male of his body ; but the lady Elizabeth Howard, his eldest surviving daughter, having married George, the first duke of Gordon, the title of Norwich was revived in the person of his great grandson, Alexander, the fourth duke, which

Alexander, duke of Gordon, was, in 1784, created an English peer, by the title of baron Gordon, of Huntley, in Gloucestershire, and earl of Norwich, in Norfolk. He married, in October 1767, Jane, daughter of sir William Maxwell, bart., and by her had two sons, George, his successor ; and Alexander, who was in the army, and died in 1708, S.P. ; also five daughters, of which, Charlotte, married Charles, duke of Richmond ; Madelina, married, first, sir John Sinclair, bart., and secondly, Charles Palmer, esq. ; Susan married William, duke of Manchester ; Louisa, Charles, marquess Cornwallis ; and Georgiana, John, duke of Bedford.

George, fifth duke of Gordon, and second earl of Norwich, in the life time of his father, was summoned to the Upper House, as baron Gordon, of Huntley,

* Dormant and Extinct Baronage ; Vol. III., tit. Hume.

in April 1807, and upon the death of his father, in 1827, succeeded to his English and Scotch titles. He was a general in the army, and at his decease, in 1836, colonel of the Scotch Fusileer Guards. He married a Miss Brodie, but had no issue; whereby, his English barony, and earldom of Norwich, as also his Scotch dukedom, of Gordon, became extinct. But having become heir to the barony of Mordaunt, of Turvey, through descent from the marriage of his grandfather, Alexander, second duke of Gordon, with Henrietta, only daughter and eventually heiress of Charles, third earl of Peterborough, the said barony, having been created by writ of summons, fell into abeyance among his five sisters, and co-heiresses before mentioned; as did also the barony of Beauchamp, of Bletshoe, created by writ in 1363; which, by the marriage of Margaret, daughter and heir of John, great grandson and heir of Roger Beauchamp, the first baron, with sir Oliver St. John, was carried into that family; and on the death of John, second lord St. John, of Bletshoe, in 1596, passed to his daughter and heir, Anne. She married William, son and heir-apparent to Charles, the first Howard, earl of Nottingham; and by him had an only daughter, Elizabeth, who married John, fifth lord Mordaunt, of Turvey, and first earl of Peterborough, in whose line the barony continued till the death of Charles, the fifth earl, in 1814, S.P. when it devolved, with that of Mordaunt, on his half sister, lady Mary Anastasia Grace Mordaunt; on whose death, in 1819, it descended to Alexander, duke of Gordon, grandson of Alexander, the second duke, by lady Henrietta Mordaunt, his duchess, as before mentioned.

Such is the course of descent of the barony of Beauchamp, of Bletshoe; but it is to be observed, that the St. John family never had summons to parliament by that title, and therefore the barony does not appear to have been ever recognised.

NUNEHAM, vide HARCOURT.

RIVERS.

Under the article of Chatham*, the descent of the Pitt family has already been given ; it remains then to mention that

Sir William Pitt, eldest son of John Pitt, clerk of the Exchequer, in the reign of queen Elizabeth, was also a principal officer in the Exchequer, in the reigns of queen Elizabeth, James, and Charles I. He was knighted at Newmarket, 1618, and died in 1636, and was buried at Stratfieldsaye, in Hampshire.

Edward Pitt, his eldest son, was father of John, his fourth son, whose son, George Morton Pitt, of Twickenham, in Middlesex, died in 1756, leaving an only daughter and heir, Harriet, married to lord Brownlow Bertie, brother to Peregrine, duke of Ancaster.

George Pitt, eldest surviving son of Edward, married Jane, eldest daughter of John Savage, earl Rivers, widow, first of George Bridges, lord Chandos, (who, to the exclusion of his own family, left her Sudeley Castle, and all his estates, which she carried to this last husband), and, secondly, of sir John Shelley, bart. He died in 1676, and was succeeded by his eldest son,

George Pitt, who died in 1734, and was buried at Stratfieldsaye. He married Lora, daughter and heiress of Audeley Grey, of Kingston, in Dorsetshire, esq., who was his second wife, and died in 1750: their issue was four sons and five daughters. John, the second son, was of Encombe, and was father of William Morton Pitt, of Kingston, esq., who married Miss Gambier, and had an only daughter, Anne, who married Charles, viscount Marsham, son and heir-apparent to the earl of Romney.

George Pitt, of Stratfieldsaye, was the eldest son of the aforesaid George, by his first wife, Lucy, daughter of Thomas Pile, esq., widow, of Lawrence Lowe, of Shaftesbury, esq. He married Louisa Bernier, and had two daughters and four sons, whereof, James and Thomas, the youngest two, died S.P.

* Vide Chatham.

Sir William Augustus Pitt, the second son, was K.B., and a general in the army, who married Mary, daughter of Scroope, viscount Howe, and died in 1809, S.P.

George, first Lord Rivers, was the eldest son, and having been Ambassador to Spain, in 1770, was, by letters patent, May 20, 1776, created baron Rivers, of Stratfieldsaye, in the county of Southampton, with limitation to the heirs male of his body; after this, he obtained a further creation of the title of baron Rivers, of Sudeley Castle, in Gloucestershire, with remainder severally, to his brother, sir W. A. Pitt, K.B., and, in default of issue male, then to the male issue of his daughter, by Peter Beckford, of Stapleton, in Dorsetshire, esq., March 16, 1802. His lordship married Penelope, daughter to sir Henry Atkins, of Clapham, in Surrey, bart., and had issue, George, his successor, and three daughters, *viz.* first, Penelope, who married Edward, earl Ligonier, (from whom she was divorced), and remarried to a captain Smith; second, Louisa, wife of the aforesaid Peter Beckford, esq.; third, Marcia, baptized April 14, 1756, married James L. Fox, esq.

George, second Lord Rivers, on his father's death, in 1803, died unmarried, in July 1828, when the barony of Rivers, of Stratfieldsaye, expired, and he was succeeded in that of Rivers, of Sudeley Castle, by his nephew, Horace Beckford, son of his sister Louisa, before mentioned.

ROCHFORD.

When William, prince of Orange, for his own interest, came from Holland, in the year 1688, to dethrone his uncle, and father-in-law, king James II., he was attended (like his great predecessor, the Norman duke, in 1066), with an heterogeneous host of foreigners, and bastard relatives, among which were the Bentincks, the Keppels, the Auverquerque, Nassaus, Schombergs, de Ginkels, Rouvigny, &c. &c., who became ennobled in this realm, and had their notable services well rewarded.

William Henry Nassau de Zulestein, the founder of the English honours of this family, was son of Frederick, a natural son of Henry, prince of Orange,

grandfather of king William, and, consequently, he himself first cousin to his said majesty.

In the expedition to England, he accompanied his royal relative, by whom he was much confided in, and by whom he was appointed his Master of the Robes, the day after he had been proclaimed king.

In the campaigns of Ireland and Flanders, he served as lieutenant-general of horse and foot, with distinguished gallantry; and at the battle of Landen, was wounded, and taken prisoner; whereupon, for his faithful services, his eminent abilities, and degree of relationship, he was, by his majesty, created baron of Enfield, in Middlesex; viscount Tunbridge, and earl of Rochford, in Essex; to him and the heirs male of his body, by letters patent, May 10, 1695.

He died at Zuleistein, in 1708. His lordship married Jane, daughter and heiress of sir Henry Wroth, of Durans, in Enfield, in Middlesex (great grandson of sir Robert Wroth, knight, by Mary, eldest daughter of Robert Sydney, earl of Leicester), and by her had issue four daughters, of which, Anne died unmarried; Mary married the Heer Harvelt, second son of general Godart de Ginkel, earl of Athlone; Elizabeth died single; and Henrietta married Gudart, second earl of Athlone, eldest brother to the Heer Harvelt. He had also four sons, whereof, the first and second were successively earls. Maurice, the third son, was a colonel in the service of George I., and died in 1722; and Henry, the fourth, died, unmarried.

William-Henry, second earl of Rochford, and eldest son of the late, distinguished himself by many brave actions; and was the bearer from the duke of Marlborough of his despatches, announcing the celebrated victory over the French, at Hockstet, or Blenheim. He was afterwards slain at the unfortunate battle of Almanza, in Spain, June 27, 1710. Dying unmarried, he was succeeded by his next brother,

Frederick, third earl of Rochford, who led a retired life, and died at his house in Great Queen-street, Lincoln's-Inn-Fields, June 14, 1738. He married Bessey, daughter of Richard Savage, earl Rivers, and had issue two sons: first, William Henry, his successor; and second, Richard-Savage-Nassau, who married Elizabeth, daughter and heir of Edward Spencer, of

Rendlesham, in Suffolk, esq. (widow of James, duke of Hamilton); and by her had issue, a daughter, Lucy, who died unmarried, and two sons, *viz.* William-Henry, hereafter mentioned, and George.

William-Henry, fourth earl of Rochford, was employed in several embassies to the courts of Turin, Paris, and Madrid, was for some time principal secretary of state for the northern, and afterwards the southern department, and was also a knight of the garter. He married Lucy, daughter of Edward Young, of Dunford, in Wiltshire, esq., but died S.P. in 1781, and was succeeded by his nephew*,

William-Henry, fifth earl of Rochford, son of his brother, Richard Nassau, who was then deceased.

ROTHESAY.

The dukedoms of Cornwall and Rothesay were nearly co-equal in their first creation, and consimilar with regard to their limitation of inheritance to the princes on whom they were conferred; the one by king Edward III. upon his eldest son, the black prince; the other, by Robert, king of Scotland, on his eldest son, prince David. But as they were instituted by distinct and independent sovereigns, so they never became coalesced in enjoyment by one person, until the accession to the throne of England, by king James VI., of Scotland, when his eldest son, prince Henry, as duke of Rothesay, &c., in Scotland, was entitled also to be duke of Cornwall, &c., in England, he being then the king's eldest son, inheritable to both kingdoms.

His late majesty, George IV., as born duke of Cornwall, was the last prince who has also enjoyed the title of duke of Rothesay, in which character, as a Scotch nobleman, his vote was received at an election for the sixteen representative peers of Scotland, in 1790, — a circumstance which leads to the question whether, since the union with Scotland, the dukedom of Rothesay is now to be looked upon as a Scotch, or an English peerage?

* He left a natural son, who had the name of Nassau, to whom he left part of his estate.

The revolution of 1688 extinguished the right line of monarchical succession, and by deposing king James II., deprived his eldest son of the secondary dignities appurtenant to him as heir-apparent to the two crowns. After the revolution, king William III. had no son to be prince of Wales, duke of Cornwall, or duke of Rothesay, and his successor, queen Anne, was similarly circumstanced; therefore, when the union with Scotland took place, in 1707, no title of duke of Rothesay was extant.

The effect of the Union was, that the title of king of Scotland ceased. The kingdom of Scotland, theretofore independent, merged into the kingdom of Great Britain, one and incorporate: the title of duke of Rothesay ceased, when that of king of Scotland terminated. *Ergo*, after the union, the heir-apparent to the crown, being one and indivisible, he had only one kingdom to succeed to, and there were no longer two separate thrones to inherit.

It appears that George II., when prince of Wales, voted in 1716, as duke of Rothesay, at an election for the sixteen peers of Scotland, and his vote was not objected to. By the articles of Union, all the peers of Scotland then existing, were to be deemed peers of Great Britain; but at that crisis, the title of Rothesay did not exist in the reigning family, and, consequently, could not be one preserved by that treaty; but if it did exist, it was *de jure*, vested in the person of a royal exile, not recognised.

It however follows, from the Union, that the sovereign could not, afterwards, create a peer of Scotland, to impart to him the same privileges which the peers held at the time of the Union, consequently, he could not create his heir-apparent duke of Rothesay, to possess that title in the same manner as the dukes of Rothesay had done while Scotland was a separate kingdom. It is apprehended that although the prince, heir-apparent to the throne, may bear the name of honour, it must be as a duke of *Great Britain*, and without any right to vote at a Scotch peer's election.

STOWELL.

The name of Scott is of high rank and distinguished celebrity in Scotland, and several families of the same name have flourished with honour in various

counties of England ; but from what particular branch lord Stowell may have descended, will be left to the official luminaries of genealogy and blazonry to determine ; it may suffice here to observe, that, however the late sir Walter Scott might have acquired an everlasting fame, his cotemporaries, in the persons of the lord Stowell, and earl Eldon, may compete for the laurel with him.

Mr. William Scott, of Newcastle-upon-Tyne, had three sons : Henry, a merchant at that place ; William, hereafter mentioned ; and John, now earl Eldon.

Sir William Scott, the second son, was ever conspicuous for his talents and integrity : was knighted, and long filled the high office of judge of the supreme Court of Admiralty, where his decisions obtained universal approbation. In 1821, he was advanced to the peerage by the title of lord Stowell, of Stowell, in the county of Gloucester, and to the heirs male of his body. He married first, Anne Maria, eldest daughter and co-heiress of John Bagnall, of Early Court, Berkshire, esq., and had issue by her (who died in 1809), a daughter, Marianne, who married, first, colonel Townshend, of Honington, in Warwickshire ; and after his death, the viscount Sidmouth. He had also a son William, born in 1794, who died shortly before him, S.P.

To his second wife, his lordship married the dowager marchioness of Sligo, but by her had no issue ; and dying in 1836, without surviving issue male, the barony of Stowell became extinct.

TUNBRIDGE, vide ROCHFORD.

VAUX, OF HARROWDEN.

This title, of which notice has been taken in the third volume of the Dormant and Extinct Baronage, has been claimed as a barony by writ, and is at present under investigation before the lords' committees for privileges of the House of Lords. The claimants are,

1. George Mostyn, of Kiddington, in the county of Oxford, esq. only son and heir of Maria Butler, sole daughter and heir of George Butler, of Ballyragget, in Ireland, grandson, and at length heir of George Butler, of Ballyragget, eldest surviving son of Edward Butler, son and heir of his mother, Elizabeth Simeon, by her husband, Edmond Butler, fourth viscount Mount Garret; which Elizabeth was sole surviving daughter and heir of sir George Simeon, by Mary Vaux, his wife, eldest sister and co-heiress to her brother Henry, the last lord Vaux, of Harrowden, who died S.P. in 1663.

2. Edward-Bourchier Hartop, esq. grandson of Edward Hartop, esq. by Juliana, his wife, daughter and at length heir of George Evans, third lord Carbery, son and heir of George, second lord Carbery, by Frances, his wife, daughter (and eventually co-heiress with Mary, her sister, wife of Henry, ninth earl of Pembroke) of Richard, fifth viscount Fitzwilliam, in Ireland, by Frances, his wife, daughter and heiress of sir John Shelley, bart. by Winifred, sister and heiress to George Neville, lord Abergavenny, and grand-daughter and heiress of sir Henry Neville (afterwards lord Abergavenny), by Catharine, his wife, third sister and co-heiress to Henry, the last lord Vaux.

3. Robert, twelfth earl of Pembroke, great-grandson of Henry, ninth earl of Pembroke, by Mary, his wife, daughter (and co-heiress with her sister, Frances, wife to George, second lord Carbery) of Richard, fifth viscount Fitzwilliam, before mentioned.

From this statement in the printed cases of Mr. Mostyn and of Mr. Hartop, it would seem that there was a disputed point between them, as to the elder-ship of the two sisters, Mary and Catherine Vaux; be this, however, as it may, it is evident Mr. Mostyn, in right of Mary, has one half of the barony in him; whereas Mr. Hartop has only a moiety of the other half, in conjunction with the earl of Pembroke, in right of Catherine.

A principal point to be established is, whether the barony was created by patent to heirs male of the body, or by writ of summons, thereby constituting a barony in fee. Sir William Dugdale asserts, that Nicholas, lord Vaux, was so created, the 15th Henry VIII., and died the same year. But the first writ of summons is in the twenty-fifth of Henry VIII., to Thomas, son of Nicholas, and there is no writ of the 15th of Henry VIII. on record; so that Nicholas could not be created by writ in that year, there being no parliament then holden.

WENLOCK.

This is the name and title of an old barony, of which mention is made in the third volume of the Dormant and Extinct Peerage, where* it is shown that John, lord Wenlock, died without issue.

From deeds in possession of the family, it is said, that Thomas Lawley, esq. was cousin and heir to John, lord Wenlock, who was the first and last baron; but if he died S.P., this degree of relationship does not vest in the descendants of Mr. Lawley any claim of right and succession to the honour.

This Thomas Lawley had issue Edward, his son and heir, father of John, who had two sons, Thomas and Richard, hereafter noticed.

Thomas Lawley, of Wenlock, the eldest son, had issue sir Thomas Lawley, knight, who died in 1621, having had a son, George, who died S.P.; and sir Edward Lawley, knight, who had an only daughter and heiress, Ursula; married to sir Robert Bertie, K.B. second son of Robert, earl of Lindsey, to which lady descended such pretension as the Lawley family might have in the character of heir general to John, lord Wenlock.

Richard Lawley, who was next brother to Thomas, the great grandfather of Ursula (as before stated), was of Spoonhill, in Shropshire, and was grandfather to

Sir Thomas Lawley, of Spoonhill, created a baronet by king Charles I., in August 1641, from whom descended

Sir Robert Lawley, bart., to whom his majesty was pleased to grant letters patent, creating him lord Wenlock, of Wenlock, in Shropshire, in September 1831, and to the heirs male of his body; but he enjoyed his elevation only for a short time, deceasing in July 1834, S.P.; when the title once more expired, and he was succeeded in the baronetcy by his brother.

WHITWORTH.

The family of Whitworth, though not of very ancient rank or distinction, has, nevertheless, had several members who have done honour to the name. Of these,

Charles, lord Whitworth, of Galway, in Ireland, was so created in 1721, by letters patent, in the preamble to which his many public services and particular deserts are set forth. His lordship for many years was employed in a diplomatic character to various continental courts, and at his death left many state papers and letters, together with a MS. account of Russia as it was in 1710, which was afterwards printed at the Strawberry-hill press, by the late Horace Walpole, earl of Orford, with a preface containing some particulars of his public life.

His lordship was the eldest of six sons of Richard Whitworth, of Adbaston, in Staffordshire, esq. by Anne, his wife, daughter of the reverend Francis Mosley, rector of Winslow, in Cheshire, uncle to sir Oswald Mosley, the first baronet. Dying in 1725 without issue, the barony of Whitworth, of Galway, became extinct.

Francis Whitworth, youngest son of Richard, of Adbaston, and Anne Mosley (and youngest brother to the aforesaid Charles, lord Whitworth), was surveyor general of woods and forests, and died in 1743, leaving issue

Sir Charles Whitworth, of Leyborne, in Kent, who had the honour of knighthood conferred upon him, and died in 1778. He married a Miss Shelley, and had issue three sons, *viz.* Charles, hereafter mentioned; sir Francis, a lieutenant-colonel in the army, who died in 1805; and Richard, a captain R.N. lost at sea: also four daughters, whereof 1, Priscilla, married, first, sir Bellingham Graham, bart.; secondly, Francis Gerard, second viscount Lake; 2, Catharine, married, first, Henry, fourth lord Aylmer, and secondly, Howell Price, esq.; 3, Mary, married Thomas Lloyd, esq.; and 4, Anne-Barbara, married sir Henry Russell, who was appointed chief justice at Bengal.

Charles, earl Whitworth, the eldest son, was for some time a lord of the treasury; minister plenipotentiary to Warsaw in 1786; the same to Peters-

burgh in 1788 ; made a K.B. in 1793 ; minister to the court of Denmark in 1800 ; and advanced to the peerage of Ireland, by the title of lord Whitworth, of Newport-Pratt, in the county of Galway, 21st of March the same year ; In 1802 he was appointed ambassador to France, where his conduct and spirited behaviour, at a very important crisis, obtained for him general respect, and the approbation of his sovereign, by whom he was created a peer of Great Britain, by the title of viscount Whitworth, of Adbaston, in Staffordshire, June 1, 1813 ; and afterwards, for his eminent services, was, September 30, 1815, further advanced to the title of baron Adbaston and earl Whitworth.

He married, in 1801, Arabella-Diana, duchess dowager of Dorset ; but not having any issue, all his titles terminated with his decease, in 1825.

YORK.

His royal highness Frederick, duke of York and Albany, in Great Britain, and earl of Ulster, in Ireland, was so created by his royal father, the late king George III., in November 1784. The more early years of his life (if his duel with colonel Lenox, afterwards duke of Richmond, be excepted) were spent in comparative privacy ; but towards the close of the year 1793 he was called into active public service, and appointed commander-in-chief of the armies to act against the French republican forces in the Low Countries ; the result of which campaigns is too well known to have been severely disastrous.

After this, for many years, he continued commander-in-chief of the army ; but about 1808 public attention was turned towards him, in consequence of a motion made in the House of Commons, by colonel Wardle, for the investigation of certain charges for mal-practices in his office of commander-in-chief, in which he was concerned either by personal corruption, or connivance at it ; but, after an inquiry which lasted for some months, he was acquitted by a majority of above eighty.

This parliamentary accusation of his military administration is said to have originated under very curious circumstances : one M^cCullum, who had been an emigrant Highlander, happened to be employed in St. Domingo as secretary

to Touissant L'Ouverture. He was employed in Trinidad, after its capture by sir Ralph Abercrombie; but having afterwards rendered himself, on some account, obnoxious to general Picton, the governor, he was punished with solitary confinement. On the return of both parties to England, M^cCullum made a representation to the commander-in-chief and the government, but his complaints were dismissed; hence he concluded that the general was protected by the duke of York, and swore he would make *a pair of spectacles* of Picton and his patron. He published his travels in Trinidad, filled with the most gross abuse of Picton's government; and not contented therewith, he ferreted out charges against the war-office. He joined Louisa Calderon, a young girl of Trinidad, who was the principal, in the accusation of Picton of an extremely brutal act of torture. Colonel Wardle was by some means brought into contact with M^cCullum, and by his aid access was obtained to Mrs. Clarke, on whose statements the charges against the duke were preferred. The Scotchman just lived to see the temporary retirement of the duke from office, when he published a short narrative, and died in great want.

Passing over this untoward attack on the duke's honour, and integrity of public conduct, his royal highness was warmly and deservedly beloved in private life. He was humane and compassionate to all whose distresses he had the means of relieving; and by his kindness to those over whom he presided, he justly endeared himself to the army, from its highest to its lowest ranks.

His royal highness married Frederica, princess royal of Prussia, September 29, 1791, with whom he lived in more outward decency than inward affection. She died several years before him; and not having any issue, all his titles upon his death, in 1827, were extinct. He was interred in the royal vault at Windsor, with uncommonly grand funeral military parade.

The following titles, on the death of the respective noblemen, without issue male, will become extinct.



BERESFORD.

William Carr Beresford, an illegitimate son of George, first marquess of Waterford, was brought up to the army, in which he very highly distinguished himself on various occasions, and particularly at the battle of Albuera, where he had the chief command, and obtained a glorious victory. For this and his other eminent services, he was advanced to the peerage, and, in 1814, was created baron Beresford of Albuera and Dungarvon, in the county of Waterford; and, in 1823, was further advanced to the dignity of viscount Beresford, of Beresford, in the county of Stafford. He was made duke of Elvas, marquess of Campo-major, and count of Francoso in Portugal; and appointed a field marshal in the Portuguese service.

Such was the consideration of his meritorious achievements, that he had settled upon him, and the next two inheritors of his honours, a pension of 2000*l.* a year, by act of parliament; and he was presented with the freedom of the city of London, together with a valuable sword, by the chamberlain of the city. His lordship married, in 1832, Louisa, daughter of William, the first lord Decies, in Ireland (widow of Thomas Hope, esq.). His peerage titles being limited to the issue male of his body, should he die without, they will become extinct.

BEXLEY.

Peter Vansittart, of a family originally from the Netherlands, was a merchant, and settled in England. His grandson, Henry Vansittart, having been appointed governor-general of Bengal, took his passage thither on board the *Aurora* frigate, which was lost in the Mosambique channel about January 1771, when all on board perished. He married Amelia, daughter of Nicholas Morse, governor of Bombay, esq., by whom he had two sons, Henry and Nicholas; of these,

Nicholas Vansittart, adopting a political life, was for many years secretary of the treasury, and from 1812 to 1823 filled the important office of chancellor of the exchequer; but in the last-mentioned year he resigned, and was raised to the peerage by the title of lord Bexley, of Bexley, in Kent.

He married, in July 1806, Catherine-Isabella, daughter of William Eden, first lord Auckland, which lady died shortly after, in 1810, without issue; and should his lordship decease without any heir male of his body, his title will be extinct.

BROUGHAM AND VAUX.

The name of Brougham is of very great antiquity in the county of Westmoreland, where the family was seated at a very early period, at Brougham, but no member of it ever before attained the rank of nobility.

Henry, lord Brougham, the son of Mr. Henry Brougham, being brought up to the bar, became a barrister of the first practice and eminence; and blending politics with law, and having obtained a seat in the House of Commons, his oratorical faculties, with the party he attached himself to, soon brought him into public notice, and rendered him one of the most popular men of the day. On the accession of the Grey administration, Mr. Brougham was appointed lord high chancellor of Great Britain, and was advanced to the peerage, by

the titles of lord Brougham and Vaux, of Brougham, in the county of Westmoreland, 1830. On this occasion vanity or ambition seem to have displayed themselves, in the adding the title of Vaux to that of Brougham. On the secession of the Grey administration lord Brougham resigned the great seal.

He married, in 1819, Mary Anne, daughter of the late Thomas Eden, esq. (uncle to lords Auckland and Henley), and widow of John Spalding, esq., and by her has had a daughter, Sarah-Eleanor, who died young; and another daughter, Eleanor-Louisa, born in October 1822, now living: but, on the event of not having any issue male, his titles will be extinct upon his decease.

LUDLOW.

Peter Ludlow, son of Stephen Ludlow—one of the six clerks in chancery in Ireland, who was only son of Henry, younger brother to Edmund Ludlow, the celebrated republican general in the time of Cromwell—married the heiress of Preston, of Ardfallah, in the county of Meath, and by her left issue an only surviving son, Peter Ludlow, who succeeded to the Ardfallah estate, in right of his mother. This

Peter, earl Ludlow, was first created baron Ludlow, of Ardfallah, in 1755, and afterwards by patent, dated in October 1760, was further advanced to the dignity of viscount Preston, of Ardfallah, and earl Ludlow. He married lady Frances Lumley, daughter of Thomas, third earl of Scarborough, and by her had two sons and four daughters, *viz.* 1, Frances-Maria; 2, Anne-Barbara; 3, Harriet; 4, Charlotte. The earl dying in 1803, was succeeded by his eldest son,

Augustus, second earl Ludlow, who deceasing in 1811 without issue, his titles devolved upon his only brother,

George-James, third earl Ludlow, a general in the army, who in 1801 commanded a brigade in Egypt, having previously lost an arm, when on service in Holland: in 1831 he was created a baron of the United Kingdom, by the title of lord Ludlow. Being unmarried, and no issue male of his titles remaining, they will all be extinct upon his death.

LYNEDOCH.

The family of Græme, or Graham, is of very ancient descent in Scotland ; as may be seen in the printed accounts of Crawford and Douglas, of the peers of that kingdom.

Thomas Graham, of Balgowin, esq., married Christian, one of the daughters of Charles, earl of Hopetoun (by the lady Henrietta Johnstone, daughter of William, marquess of Annandale), and by her had issue a son,

Thomas Graham, who, being bred to a military life, made all the campaigns in the Peninsular war, and particularly distinguished himself at the battle of Barossa, March 5, 1811, where he had the chief command. He received the repeated thanks of parliament for his eminent services, and at the close of the war was advanced to the peerage, by the title of baron Lynedoch, of Balgowin, in the county of Perth, May 1814, and to the heirs male of his body, having before had conferred upon him the honour of a knight of the bath. He married Mary, daughter of Charles, ninth lord Cathcart, but by her (who died in 1792) had no issue, for want of which his title will terminate with his death.

MONTFORT.

The family of Bromley (anciently written Bromleghe) flourished for many centuries in the counties of Chester, Salop, and Staffordshire ; and it may be presumed in the county of Kent, where is situate the cheerful village, or town of Bromley, but the stock from whence this line is considered to be derived, was seated at Bromleghe, in Staffordshire, of which branch, after several generations, was

John Bromley, who rendered himself famous in the wars of France by his signal bravery in the memorable battle of Le Corby, the fourth Henry V., recovering the standard of Guienne, which had been taken by the French ; for

which gallant exploit, he was knighted, had lands of great value given to him in Normandy, and an augmentation to his arms, *viz. the same standard of Guienne*, for his crest. The sixth of Henry V., he was captain-general of Dampfronte. From him descended George Bromley, esq. who was seated at Hodnet, in Shropshire, and had issue, sir George Bromley, knight, one of the barons of the exchequer, seventh James I., and

Sir Thomas Bromley, his second son, who was constituted chancellor of England, in 1579; in which post he died in 1587, and was interred under a sumptuous monument in Westminster Abbey. His eldest son,

Sir Henry Bromley, was seated at Holt Castle, in Worcestershire, where he died in 1615, and was buried in the chancel of the parish church.

Sir Thomas Bromley, his eldest son, succeeded to the estate at Holt Castle, and was grandfather of Henry Bromley, of Holt, who died in 1670, leaving by Mary, his wife, daughter of Edward Pytts, of Keyer, in Worcestershire, esq.

William Bromley, his only surviving son and heir, who died at Horseheath, in Cambridgeshire, a seat somehow obtained from the lord Alington's family*, but was buried with his ancestors at Holt. He married Margaret, daughter of sir Rowland Berkeley, of Cotheridge, in Worcestershire, and had two daughters, Mercy and Dorothy, his co-heirs; which last married John Jennings, of Hayes, Middlesex, esq. and died S.P., whereby her sister Mercy became sole heiress to her father, and married John Bromley, eldest son and heir of John Bromley, of Horseheath, esq.

It is here to be remarked, that there is no authentic account of the descent of this Mr. Bromley, of Horseheath, or of what degree of relationship he bore (if any) to the family of Holt, which has induced a surmise, that he was an illegitimate offspring of one of that line.

John Bromley, esq. by Mercy, his wife, had an only son Henry, who was heir to the estate at Horseheath, and, in right of his mother, to the estates of the Bromleys, of Holt Castle, in the counties of Worcester and Salop. The said

Henry Bromley, was raised to the peerage, by the title of lord Montfort,

* Vide Dormant and Extinct Baronage, Vol. III.

baron of Horseheath, in Cambridgeshire, May 9, 1741, with limitation to the heirs male of his body. He married Frances, daughter of Thomas, and sister and heir of sir Francis Wyndham, of Trent, in the county of Somerset, bart., by which lady he had a daughter Frances, who married the hon. Charles Sloane Cadogan, afterwards lord Cadogan, and an only son Thomas, of whom she died in childbed. His lordship died suddenly (by his own hand) in January 1755, and was succeeded by his said son,

Thomas, second lord Montfort, who married Mary-Anne, sister of sir Francis Blake, of Langham, in Suffolk, bart., by which lady (from whom he lived separate), he had issue an only son, Henry, but by several other females had three illegitimate sons, and a daughter; of which sons, colonel Henry Bromley, of Abberley Lodge, in Worcestershire, was the eldest. His lordship died in 1779, and was succeeded by his only son,

Henry, third lord Montfort, who married Elizabeth, daughter of one Watts, who kept a low butcher's shop in Honey-Lane Market, Cheapside, but by her had not any issue.

ROLLE.

The name of Rollo is famous in the annals of history; but the inventive genius of the several learned kings of arms, and other talented heralds, has never yet connected this family with that renowned Norman warrior.

The family of Rolle, in England, seems only to have risen into respectability among the Devonshire gentry, in the sixteenth century, but the Scotch peerage family of Rollo can show a descent of many centuries in possession of feudal property.

George Rolle, of Stevenstone, in Devonshire, was a merchant of great reputation, as it is said, in the city of London*, and on the Reformation, like sir

* It is related that he was an extensive importer of corn, and in a time of scarcity, caused it to be ground into flour, and sold at a cheap rate. The bakers of the metropolis bought it, and made it into small loaves for the use of the poor, which from him were called *Rolls*.

Thomas Leigh, and other opulent citizens, was a great purchaser of Abbey lands. In the reign of Henry VIII. he bought the manor and large demesnes of Stevenstone, in Devonshire, of the Moyle family, which had originally acquired it by marriage with a co-heir of the Stevenstons, lords of the said manor.

He was three times married, and had twenty children; by his second wife, Eleanor, daughter of Henry Dacres, merchant, of London, he had six sons and two daughters; of the sons,

Henry Rolle, the fourth, was grandfather of sir Samuel Rolle, knight, whose son, Robert, married one of the co-heiresses of Theophilus Clinton, earl of Lincoln, and by her had issue, a son, Samuel, who thereby became one of the co-heirs to the barony of Clinton, and had a daughter and heiress, Margaret, who married Robert Walpole, second earl of Orford, and a daughter Bridget, who married Francis Trefusis, esq., and, by the failure of issue from her niece Margaret, countess of Orford, became entitled to the barony of Clinton, and in her issue the said barony is now vested.

George Rolle, second son of merchant George, was seated at Marrais, in Cornwall, in right of Margaret, his wife, daughter and heir of Edmund Marrais, of Marrais, esq.; by her he had issue, Andrew, father of sir John Rolle, K B.

John Rolle, eldest son of sir John, died in the lifetime of his father, having married the lady Christian, daughter of Robert Bruce, earl of Ailesbury, and had issue three sons, *viz.* Robert, John, and Dennis, and a daughter Diana, married to sir Bouchier Wray, bart.

Robert, the eldest son, died S.P. in 1716, whereupon John, his next brother, became his heir, which

John Rolle, is reputed to have been offered an earldom by queen Anne's ministry; but such was his spirit of independence, that he refused the same, though his son, Henry, took a minor peerage afterwards, being as it would seem, of a more pliant and courtly disposition. Mr. Rolle married Isabella, daughter of sir William Walter, of Sarsden, in Oxfordshire, bart. (by lady Mary Bruce, daughter of Robert, earl of Aylesbury), and had four sons, *viz.* Henry; John, who took the name of Walter; William, who died S.P.; and Dennis;—the eldest of these sons,

Henry Rolle, was the first of the family advanced to the rank of nobility. His fortune was most ample, and his merits must be presumed to have been great. He was created lord Rolle, baron of Stevenstone, by letters patent, dated in January 1747-8, but he died unmarried, in 1759, when the title expired. The same was, however, revived in the person of

John Rolle (son of his youngest brother Dennis), who was created baron Rolle, of Stevenstone, June 20, 1796. His lordship has been twice married; first, to Julia-Maria, daughter and heiress of Henry Walrond, esq.; and second, to his cousin, Barbara Trefusis, daughter of Robert-George-William, lord Clinton, but has not had issue by either marriage. His peerage will therefore become extinct upon his decease.

ST. HELENS.

Alleyne Fitz-Herbert, descended of a very ancient family, having been employed in various diplomatic missions, was created a peer of Ireland in 1791, and was further created a peer of the United Kingdom, by the title of baron of St. Helens, in the county of Southampton, in 1801. He was born in 1753, and being unmarried, his titles, on his decease without issue male, will be extinct.

SUSSEX.

Prince Augustus-Frederick, sixth son of his majesty, George III., was born in 1773, and in November 1801, created duke of Sussex, and earl of Inverness, in Great Britain, and baron of Arklow, in Ireland. His royal highness was first married, at Rome, April 3, 1793, to lady Augusta Murray, daughter of John, fifth earl of Dunmore, and was remarried at St. George's, Hanover-Square, December 5, 1793. But to dissolve this marriage, a suit was instituted in the prerogative court, by which it was declared null and void in

August 1794, as being in violation of the act or statute of the twelfth George III., c. 11., commonly called the royal marriage act.

On this case some very important questions arise ; the marriage act never having had effect in Ireland, and being incompetent to controul marriages solemnized abroad, out of his majesty's dominions, a future day may probably bring these points under a serious investigation.

By lady Augusta Murray, who, in 1806, by royal licence, took the name of De Ameland, and died in March, 1830, the duke had a son, Augustus-Frederick, born January 13, 1794 ; and a daughter Augusta, who now bear the name of D'Este.

Upon the death of his royal highness without other issue, his titles of Sussex and Inverness, it is considered will be extinct, but the barony of Arklow may admit of a doubt, as an honour in a kingdom whose legislative powers were independent of the parliament of Great Britain.

WALLACE.

Thomas Wallace, lord Wallace, of Knaresdale, in the county of Northumberland, was so created in 1828. He was a lord of the Admiralty in 1797, and for a long time was a commissioner for the affairs of India. He was only son of James Wallace, an eminent barrister, who was attorney-general in 1779, and died in 1783. His lordship married, in February 1814, lady Jane Hope, dowager viscountess Melville, second daughter of John, second earl of Hoptoun, but by her, who died in June 1829, had not any issue.

WELLESLEY.

Richard-Colley Wellesley, earl of Mornington, in the peerage of Ireland, was early distinguished for his classical attainments, and soon entered into political life. He was born in June 1760, and at the institution of the order of St.

Patrick, in Ireland, in 1783, was nominated a knight companion of the order. In 1786, he was a lord of the treasury, and continued to 1797, in which year he went governor-general to India, where his conduct was marked by the vigour and talent of his measures, the defeat and death of Tippoo Sultan, and the capture of Seringapatam. In 1797, he was created a peer of the United Kingdom, by the title of lord Wellesley, of Wellesley, in the county of Somerset; and, in December 1799, was advanced to the dignity of marquess Wellesley, of Norragh, in Ireland, and had an honourable augmentation to his family coat of arms. On his return from India, he was appointed ambassador to Spain, and for some time was secretary of state for foreign affairs, as he was also twice lord-lieutenant of Ireland.

His lordship married to his first lady, Hyacinthe-Gabriel, only daughter of Pierre Roland (conspicuous for the part he acted in the French Revolution). She died in 1816, without any legitimate children; and he married, secondly, in 1825, at Dublin (while viceroy), Marianne, daughter of Richard Caton, of Baltimore, esq., in the United States of North America, widow of Mr. Robert Patterson, of that place; but by her has not had any issue.

The English barony and Irish marquissate, being limited to heirs male of his body, will be extinct upon his decease.

It is a circumstance of rather rare occurrence, that there should be four brothers all living at the same time, holding the rank of English peers, and a younger one enjoying the highest dignity above his eldest brothers.

FINIS.

LONDON:

PRINTED BY T. BRETTELL, RUPERT STREET, HAYMARKET.

INDEX TO VOL. I.

A.
 ABITOT, 1.
 Abrincis, 1.
 Aguillon, 2.
 Albini, 3. 7.
 Ap Adam, 227.
 Aquila, 3.
 Archdekne, 228.
 Argentine, 229.
 Arsic, 4.
 Arundel, 5.
 Auberville, 18.

B.
 Baalun, 19.
 Baliol, 19, 231.
 Balun, 21.
 Basset, 22. 231. 233.
 235.
 Bassingbourne, 24.
 Bavent, 237.
 Bayeaux, 25.
 Baynard, 26.
 Beauchamp, 26, 238.
 Belet, 31.
 Benested, 241.
 Benhale, 241,
 Bermingham, 242.
 Berners, 32.
 Bertram, 33.
 Bidun, 34.
 Birkin, 35.
 Biset, 35.
 Blount, 36, 243.
 Bocland, 37.
 Bohun, 244.
 Bolebec, 38.

Bollers, 39.
 Boltby, 39.
 Botelery, 245.
 Bradeston, 246.
 Braybroc, 40.
 Breant, 40.
 Briwere, 41.
 Broase, 42. 246.
 Brus (or Bruce), 44.
 Buisli, 46.
 Bulmer, 47. 248.
 Bussel, 48.
 Byron (or Burun), 48.

C.
 Caili, 249.
 Camois, 250.
 Camville, 49. 253.
 Canci, 50.
 Cantilupe, 50. 254.
 Cauz, 53.
 Chandos, 256.
 Chavent, 262.
 Chaworth, 263. 264.
 Cheney, 264, 266.
 Chester, earls, 211.
 —, barons, 197.
 Cioches, 53.
 Clavering, 266.
 Clifton, 268.
 Cobham of Sterbo-
 rough, 270.
 — of Rundell, 271.
 Columbers, 272.
 Colville, 273.
 Comyn of Boghan, 54.
 — of Badenach, 55.

Corbet, 275.
 Cormeilles, 56.
 Courcy, 56.
 Cressie, 277.
 Creting, 278.
 Crevequer, 60.
 Criketot, 61.
 Criol, 62. 278.
 Crispin, 61.
 Croun, 62.

D.
 Dagworth, 279.
 Damorie, 280.
 D'Aubeny, 281.
 Dauney, 283.
 Debeverer, 63.
 De Burgh, 63.
 Deiville, 65.
 De la Beche, 283.
 De la Mare, 284.
 Delaval, 66.
 De la Ward, 285.
 Dispenser, 286.
 Devereux, 287.
 Dinan, 288.
 Dovor, 69.
 D'Oyley, 67.
 Dunstanville, 71.

E.
 Echingham, 291.
 Engaine, 292.
 Erdington, 295.
 Espec, 72.
 Essex, 72.
 Everingham, 296.

Ewe, 74.
 Ewyas, 75.

F.
 Falvesle, 298.
 Fauconberge, 298.
 Felton, 298.
 Ferrers, 75.
 Fitz-Alan, 78. 300.
 Fitz-Ansculph, 80.
 Fitz-Count, 80.
 Fitz-Gerold, 81.
 Fitz-Hamon, 82.
 Fitz-Herbert, 301.
 Fitz-Ralph, 83.
 Fitz-Ranulph, 83.
 Fitz-Swain, 84.
 Fitz-Warine, 304.
 Fitz-William, 305.
 Foliot, 84.
 Fossard, 87.
 Frescheville, 308.
 Frevile, 310.

G.
 Gaugi, 87.
 Gaunt, 313.
 Genevil, 329.
 Ghisnes, 321.
 Giffard, 323.
 Glanville, 89.
 Gorges, 326.
 Grandison, 330.
 Grendon, 331.
 Gresley, 332.
 Grentemesnill, 90.
 Gurnay, 91.

INDEX TO VOL. I.

H.

Hacche, 335.
Hanselyn, 94.
Harpetre, 94.
Hastang, 335.
Hastings, 337.
Hausted, 338.
Haye, 99.
Heris, 100.
Heron, 339. 341.
Hilton, 342.
Hoëse, 343.
Hothum, 345.
Huntercombe, 347.
Huntingfield, 348.
Humet, 101.

I.

Ingham, 349.

K.

Kerdeston, 350.
Keynes, 101.
Kilpec, 102.
Kirketon, 351.
Knevet, 351.
Knovil, 353.
Kyme, 353.

L.

Lacy, 103. 106.
Lancaster, 108. 355.
Lanvalli, 111.
Lasceles, 356.
Latimer, 357.
Ledet, 112.
Leibourn, 359.
Le Scot, 220.
Levington, 113.
Lexinton, 114.
Limesi, 115.
Leibourn, 116.
Lindesei, 118.
L'Isle, 360. 362.
Lizures, 118.
Longchamp, 120.
Longvilers, 362.
L'Orti, 363.
Lovetot, 121.

Lucie, 122. 363.
Luterel, 364.
Luvein, 366.

M.

Maine, 125.
Malbanc, 201.
Malet, 126.
Malpas, 203.
Maminot, 127.
Mandevil, 128.
Manny, 367.
Mareschall, 368.
Marmion, 129.
Martin, 370.
Massey, 206.
Mauduit, 371.
Meinell, 372.
Merley, 135.
Meschines, 136. 215.
Mohun, 373.
Monmouth, 138.
Montbegon, 139.
Montfichet, 140.
Montfort, 376.
Montgomery, 379.
Montalt, 201. 375.
Morewic, 141.
Mortimer of Chelmarsh, 141.
— of Richard's Castle, 379.
— of Attilbergh, 830.
— of Chirke, 381.
Morville, 142.
Munchensy, 143.
Musard, 145.
Muschamp, 146.
Musgrave, 382.

N.

Nansladron, 383.
Nereford, 384.
Nevil, 147. 384.
Newmarch, 150.
Norwich, 387.
Northwode, 386.
Novant, 152.

O.

Orreby, 388.

P.

Paganel, 153.
Pantulf, 158.
Patshull, 390.
Paynel, 156. 390.
Pecche, 392.
Percy, 158.
Peverel, 160.
Pmkeney, 395.
Pipard, 396.
Pipe, 396.
Playz, 397.
Plessets, 397.
Plugenet, 400.
Pomerai, 162.
Port of Basing, 164.
— of Hereford, 165.
Poinz, 401.

R.

Ribald of Middleham, 165.
Ridell, 166.
Rie, 166.
Robsert, 402.
Ros of Werke, 167.
— of Kendal, 168.
— of Igmanthorpe, 405.
Rythre, 405.

S.

Say, 169.
Scoteni, 170.
Somerville, 407.
Stafford, 171.
Stafford of Clifton, 408.
Stapleton, 409.
St. John, 171. 410.
St. Philibert, 411.
St. Quintin, 412.
Stockport, 207.
Strabolgi, 414.
Stryvelin, 415.

Stuteville, 174.
St. Valerie, 173.
Sudley, 416.
Swillington, 417.
Swinburne, 176.
Swynnerton, 418.

T.

Talbot, 176.
Talboys, 419.
Tani, 179.
Tatshall, 180.
Tindal, 182.
Todeni, 182.
Toni, 420.
Tracy, 184.
Traili, 185.
Tregoz, 422.
Trusbut, 185.
Trussel, 423.
Turnham, 186.
Tweng (or Thwenge), 426.
Tyes, 427.

U. and V.

Ufford, 429.
Ughtred, 430.
Umfraville, 431.
Valetourt, 188.
Valoines, 187.
Vaux, 189.
Vavasor, 435.
Venables, 206.
Verdon, 191.
Vernon, 202.
Vesci, 192.
Vicount, 192.
Vipount, 193.

W.

Wahul, 436.
Wake, 440.
Waleran, 194.
Warren, 195.
Wilinton, 442.
Windsor, 442.
Wolverton, 196.

INDEX TO VOL II.

- | | | | |
|--|--|--|--|
| <p>A.</p> <p>Abergavenny, 1.</p> <p>Aldithley, 6.</p> <p>Astley, 9.</p> <p>Aton, 15.</p> <p>Audley, 17.</p>
<p>B.</p> <p>Badlesmere, 23.</p> <p>Bardolf, 26.</p> <p>Basset of Drayton, 31.</p> <p>Battle-Abbey Roll, 631.</p> <p>Beauchamp, 4. 36.</p> <p>—— of St. Amand, 507.</p> <p>Beaumont, 38.</p> <p>Beke, 45.</p> <p>Berkeley, 48.</p> <p>Berners, 50.</p> <p>Bokenham, 51.</p> <p>Bonville, 51.</p> <p>Botetourt, 53.</p> <p>Botreaux, 55.</p> <p>Bourchier, 57. 121. 217.</p> <p>Bray, 60.</p> <p>Brandon, 306.</p> <p>Broke, 107.</p> <p>Bromflete, 60.</p> <p>Bryan, 63.</p> <p>Bullen, 408.</p> <p>Burgh (or Borough), 66.</p> <p>Burghersh, 72.</p> <p>Burnel, 75.</p> <p>Butler, 78.</p> | <p>Butler, 78.</p> <p>—— Ormond de Rochford, 408.</p>
<p>C.</p> <p>Cavendish, 406.</p> <p>Cherlton, 85.</p> <p>Clifford, 87.</p> <p>Clifton, 99.</p> <p>Clinton, 101.</p> <p>Cobham, 104.</p> <p>Compton, 113.</p> <p>Coniers, 115.</p> <p>Courtney, 116.</p> <p>Cromwell, 120.</p>
<p>D.</p> <p>Dacre, 129.</p> <p>Darcy, 143.</p> <p>Dashwood, 168.</p> <p>Deincourt, 149.</p> <p>De la Pole, 153.</p> <p>De la War, 159.</p> <p>Denny, 163.</p> <p>Dispenser, 164.</p> <p>Devereux, 182.</p> <p>Dudley, 169.</p> <p>——, visc. Lisle, 309.</p>
<p>F.</p> <p>Fauconberg, 176.</p> <p>Ferrers of Chartley, 181.</p> <p>—— of Groby, 187.</p> <p>—— of Wemme, 195.</p> <p>Fienes, 132. 469.</p> <p>Fitz-Hugh, 197.</p> <p>Fitz-Pain, 203.</p> <p>Fitz-Walter, 205.</p> | <p>Fitz-Warine, 214.</p> <p>Fortescue, 102.</p> <p>Furnival, 220.</p>
<p>G.</p> <p>Grey of Codnor, 224.</p> <p>—— of Wilton, 231.</p> <p>—— of Ruthyn, 238.</p> <p>—— of Groby, 246.</p> <p>—— of Rotherfield, 246.</p> <p>—— of Powis, 251.</p> <p>—— of Rolleston, 256.</p> <p>——, viscount Lisle, 305.</p> <p>Greville, 607.</p> <p>Greystoke, 256.</p>
<p>H.</p> <p>Harrington, 261.</p> <p>Hastings, 3. 264. 579.</p> <p>Herbert, 271.</p> <p>Holland, 274.</p> <p>Howard, 276.</p> <p>—— of Walden, 278.</p> <p>——, viscount Stafford, 533.</p> <p>Hungerford, 281.</p> <p>—— of Haytesbury, 285.</p> <p>Hussey, 288.</p>
<p>L.</p> <p>Latimer, 291.</p> <p>Lennard, 136.</p> <p>Lisle, 302.</p> <p>Longueville, 241.</p> | <p>Lovel, 311.</p> <p>Lovel of Tichmersh, 316.</p> <p>——, lord Morley, 358.</p> <p>Lovelace, 585.</p> <p>Lucie, 323.</p> <p>Lumley, 328.</p>
<p>M.</p> <p>Maltravers, 333.</p> <p>Marmion, 337.</p> <p>Mauley, 341.</p> <p>Mildmay, 210.</p> <p>Moels, 344.</p> <p>Molins, 349.</p> <p>Montacute, 350.</p> <p>Monteagle, 352.</p> <p>Monthermer, 355.</p> <p>Morley, 356.</p> <p>Mortimer, 364.</p> <p>Moubray, 373.</p> <p>Multon, 379.</p>
<p>N.</p> <p>Nevil, 386.</p> <p>——, lord Fauconbergh, 178.</p> <p>——, lord Latimer, 294.</p> <p>Norris, 395.</p> <p>North, 255. 401.</p>
<p>O.</p> <p>Ogle, 402.</p> <p>Ormond de Rochford, 408.</p> |
|--|--|--|--|

INDEX TO VOL. II.

P. Paget, 408. Parker, 354. 361. Percy, 415. Phelip, 20. Plantagenet, 307. Pole, 432. Poynings, 436.	Scales, 476. Scroope of Bolton, 484. — of Masham, 493. — of Upsall, 495. Segrave, 498. St. Amand, 505. St. John of Basing, 512. St. Maur, 517. Stafford, 519. — of Hooke, 541. Stanley, 352. 545. Strange, 548. 551. Sutton, 170.	Talbot, viscount Lisle, 304. Tibetot, 563. Tuchet, 17. V. Verdon, 566. Vesci, 569. W. Ward, 174. Welles, 575. Wentworth, 582. Wharton, 585. Widville, 480. Williams, 590.	Willoughby of Er- esby, 591. — de Broke, 605. Windsor, 610. Y. Yelverton, 242. Z. Zouche of Ashby, 616. — of Mortimer, 619. — of Haryng- worth, 620.
R. Ratcliffe, 209. Roos (or Ros), 441.	T. Talbot, 557.		
S. Sandys, 455. Say, 461. Say and Sele, 469.			

INDEX TO VOL. III.

- | | | | |
|---|---|--|--|
| <p>A.</p> <p>ABITOT, 760.</p> <p>Albini, 695.</p> <p>Alington, 7.</p> <p>Amherst, 10.</p> <p>Anglesey, 11.</p> <p>Annesley, 11.</p> <p>Anson, 19.</p> <p>Archer, 20.</p> <p>Arlington, 22.</p> <p>Arundel, 24.</p> <p>Ascot, 26.</p> <p>Astley, 26.</p> <p>Audley, 28. 318.</p> <p>Aumerle, 30.</p> <p>Aylesbury, 39.</p> <p>B.</p> <p>Bacon, 1.</p> <p>Banbury, 44.</p> <p>Barfleur, 54.</p> <p>Bath, 57.</p> <p>Bayning, 53. 661.</p> <p>Beauchamp, 64. 717. 763.</p> <p>Beaufort, 258. 289. 409. 665.</p> <p>Beaulieu, 69.</p> <p>Bedford, 71.</p> <p>Bellasyse, 74. 294.</p> <p>Bellomont, 78. 451. 761.</p> <p>Bennet, 22. 702.</p> <p>Berkeley, 76. 291. 577.</p> <p>Benson, 84.</p> <p>Berkhamstead, 80.</p> | <p>Berkshire, 80.</p> <p>Berwick, 80.</p> <p>Beverley, 81.</p> <p>Bigot, 553.</p> <p>Bindon, 81.</p> <p>Bingley, 84.</p> <p>Blount, 252. 335. 552.</p> <p>Bodmin, 87.</p> <p>Bohun, 273. 354. 560.</p> <p>Bolingbroke, 88.</p> <p>Bolton, 89.</p> <p>Booth, 230.</p> <p>Boston, 98.</p> <p>Botetourt, 98.</p> <p>Bosworth, 80.</p> <p>Bourchier, 57. 274.</p> <p>Boyle, 128. 151.</p> <p>Bradford, 100.</p> <p>Brandon, 683.</p> <p>Brecknock, 99.</p> <p>Brentford, 99.</p> <p>Bridgewater, 106.</p> <p>Bristol, 103.</p> <p>Browne, 525.</p> <p>Bruce, 39.</p> <p>Brudenell, 534.</p> <p>Bruges, 759.</p> <p>Brydges, 154. 161. 751.</p> <p>Buckingham, 108.</p> <p>Bullen, 604. 638. 754.</p> <p>Burgh, de, 5. 413.</p> <p>Burlington, 128.</p> <p>Burton, 132.</p> <p>Butler of Bramfield, 119.</p> | <p>Butler of Lanthony, 120.</p> <p>— of Weston, 124.</p> <p>—, earl of Wilts, 752.</p> <p>C.</p> <p>Cadogan, 132.</p> <p>Cambridge, 133.</p> <p>Camelford, 137.</p> <p>Campbell, 323.</p> <p>Campden, 139.</p> <p>Capel, 146.</p> <p>Carey, 146. 383. 519. 638.</p> <p>Carew, 146.</p> <p>Carlisle, 148.</p> <p>Carlton, 150.</p> <p>Carnarvon, 152.</p> <p>Carr, 635. 669.</p> <p>Carrington, 154.</p> <p>Castleton, 160.</p> <p>Carteret, 156.</p> <p>Cavendish, 161. 503. 546.</p> <p>Caversham, 132.</p> <p>Cecil, 756.</p> <p>Chandos, 161.</p> <p>Chedworth, 177.</p> <p>Chichester, 178.</p> <p>Churchill, 179. 505.</p> <p>Clare, 179. 188. 309. 361. 597.</p> <p>Clarence, 184.</p> <p>Clarendon, 193.</p> <p>Cleveland, 196.</p> <p>Clifford, 128.</p> | <p>Clinton, 393.</p> <p>Cobham, 198.</p> <p>Coke, 201. 468. 497.</p> <p>Colchester, 201.</p> <p>Colepeper, 201.</p> <p>Compton, 751.</p> <p>Coningsby, 203.</p> <p>Conway, 205.</p> <p>Corbet, 207.</p> <p>Cornbury, 207.</p> <p>Cornwall, 207.</p> <p>Cottingham, 213.</p> <p>Coventry, 215.</p> <p>Coucy, 71.</p> <p>Courtney, 247. 291.</p> <p>Cranfield, 216. 513.</p> <p>Craven, 216.</p> <p>Crew, 217.</p> <p>Crofts, 220.</p> <p>Cumberland, 221.</p> <p>Curzon, 224.</p> <p>D.</p> <p>Damer, 512.</p> <p>Danby, 215.</p> <p>Danvers, 226.</p> <p>Darcy, 226. 371. 632.</p> <p>Darlington, 228.</p> <p>D'Aubeney, 146. 229.</p> <p>De Dreux, 623.</p> <p>Deincourt, 230.</p> <p>Delamere, 231.</p> <p>Delapole, 485. 603. 683.</p> <p>Delaval, 236.</p> <p>Denny, 573.</p> <p>Derby, 238.</p> <p>Derwentwater, 242.</p> |
|---|---|--|--|

INDEX TO VOL. III.

De Spenser, 310.
 Devereux, 279.
 Devon, 243.
 Digby, 103.
 Doddington, 513.
 Doneaster, 257.
 Dorchester, 257.
 Dormer, 152.
 Dorset, 257.
 Douglas, 259.
 Dover, 259.
 Drummond, 605.
 Ducie, 260.
 Dudley, 264. 458.
 571. 729.
 Duncombe, 297.
 Dunsmore, 267.
 Duras, 296.
 Dunstanville, 208.

E.

Egerton, 106.
 Egremont, 267.
 Eltham and Ely, 267.
 Essex, 268.
 Eure, 285.
 Exeter, 188.

F.

Falmouth, 291.
 Fanhope, 293.
 Fareham, 610.
 Fauconberg, 294.
 Feversham, 295.
 Ferrers, 238.
 Finch, 298.
 Fitz-Alan, 693.
 Fitz-Herbert, 299.
 Fitz-Osborne, 351.
 Fitz-Piers, 271.
 Fitz-Roy, 178. 572.
 577. 627. 668. 674.
 Fitz-Hamon, 307.
 Fitz-Walter, 300.
 Fitz-William, 670.
 Foley, 300.
 Fox-Lane, 87.
 Frenes, 485.
 Frescheville, 301.

G.

Gage, 302.
 Gainsborough, 302.

Gaunt, 480.
 Gaveston, 207.
 Gerard, 303. 501.
 Giffard, 108.
 Glamorgan, 306.
 Glastonbury, 306.
 Glendale, 306.
 Gloucester, 307.
 Godolphin, 315.
 Goodrich, 320.
 Goring, 320. 574.
 Grantham, 321.
 Granville, 322. 448.
 Greenwich, 323.
 Grey, 258, 325. 395.
 419. 685.
 Griffin, 328.
 Guelph, 136. 222.
 315. 425. 450. 702.
 705. 771.
 Guilford, 330.

H.

Halifax, 333.
 Hamilton, 134. 237.
 Harcla, 48.
 Harewood, 337.
 Harold, 339.
 Harrington, 139.
 Hastings, 340. 396.
 602.
 Hatton, 342.
 Haversham, 345.
 Hay, 346.
 Henley, 563.
 Herbert, 347. 395.
 535. 603. 610.
 Hereford, 351.
 Hertford, 361.
 Hervey, 368.
 Hickes, 369.
 Higham, 369.
 Holderness, 370.
 Holland, 371. 395.
 417. 693.
 Holles, 188. 373. 551.
 Hoo and Hastings,
 375.
 Hopton, 377.
 Howard, 81. 378. 561.
 575.
 Howe, 177. 380.
 Hume, 382.

Hunsdon, 383.
 Huntingdon, 388.
 Hussey, 69.
 Hyde, 193. 405. 636.

I.

Jefferys, 405.
 Jermyn, 407.

K.

Kendal, 408.
 Kennington, 410.
 Kensington, 410.
 Kent, 411.
 Keppel, 428.
 Ker, 429, 430.
 Kingston, 432.
 Kirkhoven, 765.
 Knolles, 43. 439.

L.

Lacy, 482.
 Lancaster, 439.
 Langdale, 445.
 Langley, 448.
 Lansdown, 448.
 Launceston, 450.
 Lechmere, 450.
 Lee, 487.
 Leicester, 451.
 Leigh, 471.
 Leke, 657.
 Lennard, 700.
 Lexinton, 475.
 Ley, 476. 504.
 Liddell, 618.
 Ligonier, 477.
 Lincoln, 479.
 Litchfield, 486.
 Littleton, 490.
 Longespee, 645.
 Longueville, 493.
 Lonsdale, 493.
 Loughborough, 496.
 Lovel, 497.
 Lovelace, 497.
 Lucas, 499.
 Ludlow, 500.

M.

Macartney, 500.
 Macclesfield, 501.
 Maitland, 331.
 Malmsbury, 740.

Malton, 501.
 Mansel, 501.
 Mansfield, 503.
 Mandeville, 268. 309.
 March, 503.
 Marlborough, 504.
 Marney, 509.
 Marshall, 598. 715.
 Masham, 510.
 Mauduit, 716.
 Maynard, 512.
 Melcombe, 512.
 Meschines, 133. 148.
 220. 481.
 Middlesex, 513.
 Milford Haven, 516.
 Milton, 260. 516.
 Minshull, 517.
 Mohun, 518.
 Monk, 37.
 Monmouth, 519.
 Montacute, 524.
 Montague, 335. 525.
 530. 647.
 Montfort, 454.
 Montgomery, 535.
 662. 694.
 Montjoy, 535.
 Monthermer, 535.
 Moubray, 558. 577.
 694.
 Mulgrave, 541.

N.

Nassau, 321.
 Neville, 72. 419. 524.
 570. 650. 723.
 Newark, 546.
 Newburgh, 713.
 Newport, 100.
 Noel, 302. 552.
 Norfolk, 552.
 Normanby, 559.
 Northallerton, 559.
 Northampton, 559.
 Northington, 563.
 Northumberland, 565.
 Norwich, 573.
 Nottingham, 576.

O.

O'Brien, 700. 702.

Orford, 580.
Oxford, 582.

P.

Parr, 278. 561. 595.
Paston, 597. 766.
Pelham, 551. 597.
Pembroke, 597.
Percy, 267. 570. 605.
763.
Perth, 605.
Petersfield, 606.
Petersham, 606.
Pevensey, 607.
Phipps, 546.
Pierrepoint, 432. 607.
Plantagenet, 34. 71.
134. 149. 184. 209.
274. 311. 408. 415.
439. 458. 485. 503.
556. 602. 604. 622.
625. 626. 643. 651.
689. 725. 768.
Plymouth, 607.
Portland, 608.
Portsmouth, 609.
Powys, 610.
Powlett, 89.
Pulteney, 60. 613.
Purbeck, 613.

Q.

Quarendon, 616.
Quincy, 757.

R.

Radnor, 616.
Ramsay, 370.
Ratcliffe, 242. 696.
Ravensworth, 618.
Raymond, 619.
Redvers, 243.
Rich, 371. 630. 731.
Richmond, 620.

Rivers, 629.
Robartes, 616.
Rochester, 635.
Rochford, 638.
Rochfort, 638.
Rockingham, 638.
Rolle, 641.
Romara, 479.
Romney, 642.
Russell, 643.
Ruthyn, 99.
Rutland, 643.

S.

Salisbury, 644.
Sandys, 655.
Saunderson, 160.
Savage, 633.
Savile, 333. 757. 699.
Scarsdale, 657.
Scot, 523.
Schulenburg, 410.
712.
Schomberg, 659.
Scrope, 762.
Settrington, 660.
Seymour, 361. 572.
661. 668.
Shaund, 57.
Sheffield, 541. 661.
Shepey, 661.
Sherrard, 662.
Shrewsbury, 662.
Sidley, 226.
Sidney, 464. 663.
Smith, 144.
Somers, 664.
Somerset, 665.
Sondes, 295. 670.
Southampton, 670.
Spencer, 686.
St. Albans, 1.
St. John, 677.

St. Lis, 389. 560.
Stafford, 110. 249.
753.
Stanhope, 674.
Stawell, 675.
Strafford, 277.
Stuart, 136. 314. 408.
487. 503. 546. 627.
682. 771.
Suffolk, 682.
Sunderland, 686.
Surry, 687.
Sussex, 695.

T.

Tadcaster, 700.
Talbot, 663. 701.
Tankerville, 701.
Tewkesbury, 702.
Thame, 702.
Thetford, 702.
Thompson, 345.
Thomond, 702.
ThurLOW, 703.
Tinnmouth, 704.
Tiptoft, 763.
Torrington, 704.
Totness, 704.
Trematon, 705.
Tudor, 73. 603. 626.
668. 770.
Tunbridge, 705.

U.

Ufford, 682.
Uxbridge, 705.

V.

Valence, 600.
Vaughan, 705.

Vaux, 707.
Vere, 710.
Villiers, 11. 111. 613.
711. 712.

W.

Wallingford, 712.
Walmoden, 767.
Walpole, 581. 712.
Walsingham, 712.
Waltheof, 389. 559.
565.
Warren, 687.
Warrington, 713.
Watson, 638.
Warwick, 713.
Wedderburne, 496.
Wenlock, 738.
Wentworth, 677. 739.
Westmorland, 739.
Weston, 629. 739.
Wharton, 739.
Widdrington, 741.
Widville, 629.
Willoughby, 743.
Wilmington, 751.
Wilmot, 635. 751.
Wilton, 751.
Wiltshire, 752.
Wimbledon, 756.
Winchendon, 757.
Winchester, 757.
Windsor, 540.
Worcester, 760.
Wotton, 763.
Wriothlesley, 671. 765.

Y.

Yarmouth, 766.
Yelverton, 600.
York, 600. 768.

